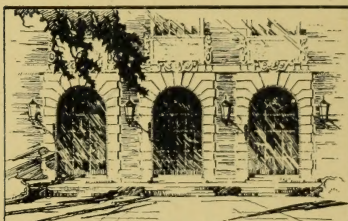


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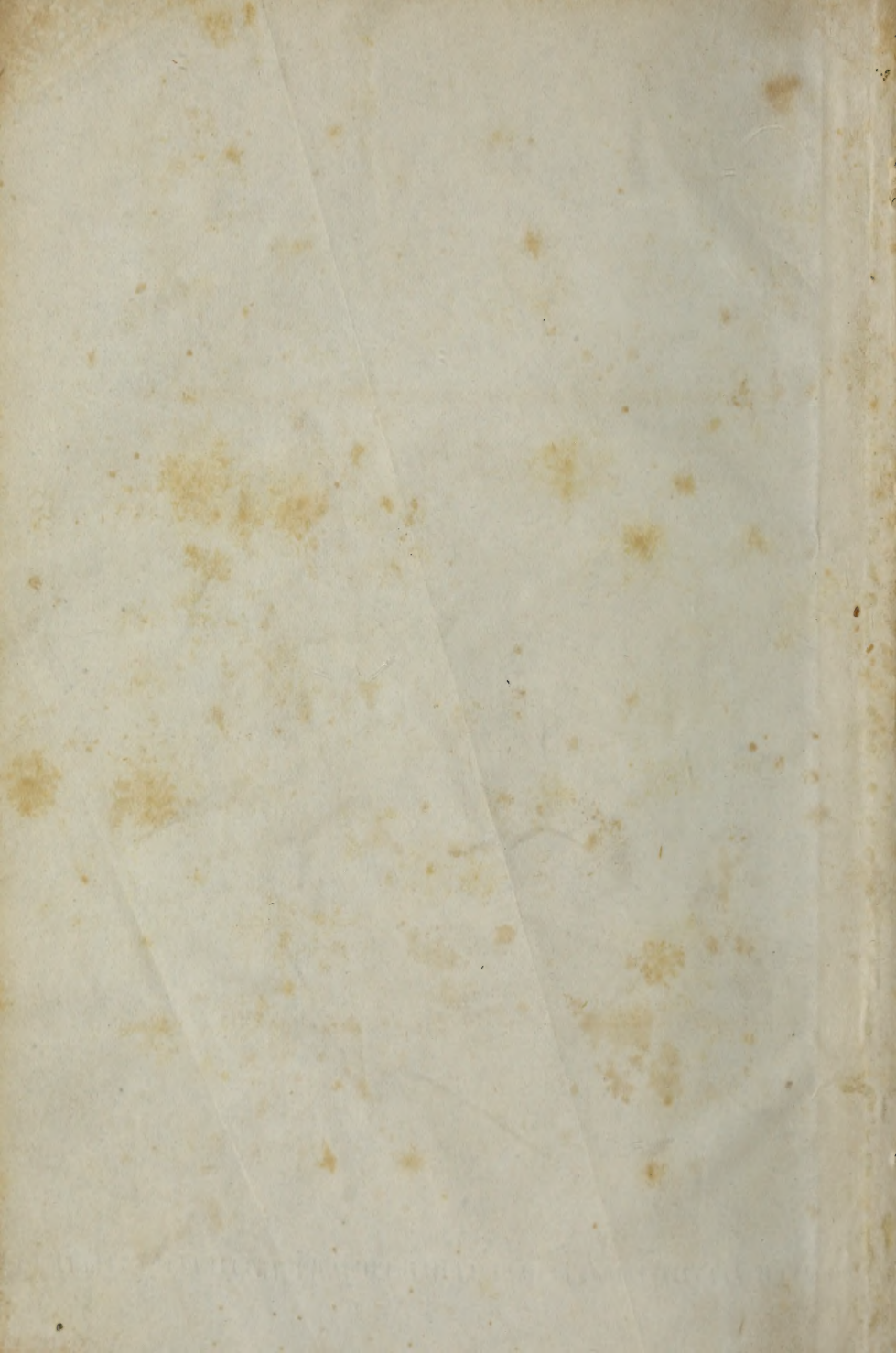
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APPENDIX

SENATE JOURNAL

NO. 2

1855



SECOND ANNUAL REPORT

COLLECTIONS

OF THE

APPENDIX

TO

WISCONSIN
SENATE JOURNAL.

NO. 2.

1856.

MADISON

LEWIS & GORHAM PRINTERS

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The regular meetings of the Executive Committee are held on the first Tuesday evening of each month.

OBJECTS OF COLLECTION DESIRED BY THE SOCIETY.

1. Manuscript statements and narratives of pioneer settlers—old letters and journals relative to the early history and settlement of Wisconsin, and of the Black Hawk War; biographical notices of our pioneers, and of eminent citizens, deceased; and facts illustrative of our Indian tribes, their history, characteristics, sketches of their prominent chiefs, orators and warriors, together with contributions of Indian implements, dress, ornaments and curiosities.

2. Files of newspapers, books, pamphlets, college catalogues; minutes of ecclesiastical conventions, conferences and synods, and other publications relating to this State, or Michigan Territory, of which Wisconsin formed a part from 1818 to 1835—and hence the Territorial Laws and Journals, and files of Michigan newspapers for that period, we are peculiarly anxious to obtain.

3. Drawings and descriptions of our ancient mounds and fortifications, their size, representation and locality.

4. Information respecting any ancient coins, or other curiosities found in Wisconsin. The contribution of such articles to the Cabinet of the Society is respectfully solicited.

5. Indian geographical names of streams and localities in this State, with their significations.

6. Books of all kinds, and especially such as relate to American history, travels and biography in general and the West in particular, family genealogies, old magazines, pamphlets, files of newspapers, maps, historical manuscripts, autographs of distinguished persons, coins, medals, paintings, portraits, statuary and engravings.

7. We solicit from Historical Societies and other learned bodies, that interchange of books and other materials by which the usefulness of institutions of this nature is so essentially enhanced—pledging ourselves to repay such contributions by acts in kind to the full extent of our ability.

8. The Society particularly begs the favor and compliment of authors and publishers, to present, with their autographs, copies of their respective works for its Library.

9. Editors and publishers of newspapers, magazines and reviews, will confer a lasting favor on the Society by contributing their publications regularly for its library—or, at least, such numbers as may contain articles bearing upon Wisconsin history, biography, geography, or antiquities; all which will be carefully preserved for binding.

Packages for the Society may be sent to, or deposited with, the following gentlemen, who have kindly consented to take charge of them. Such parcels, to prevent mistakes, should be properly enveloped and addressed, even if but a single article; and it would, furthermore, be desirable, that donors should forward to the Corresponding Secretary a specification of books or articles donated and deposited.

DEPOSITARIES.

G. & J. A. REMSEN, at J. B. Lippincott & Co.'s Philadelphia.

SAMUEL G. DRAKE, Antiquarian Book Store, Boston.

CHARLES B. NORTON, Appleton's Building, New York.

JOEL MUNSELL, Publisher, 78 State Street, Albany.

GEORGE OGDEN DEETH & Co., Washington City.


C. R. STAREWEATHER, No. 102 Michigan Avenue, Chicago.

C. C. SIMMONS, City Recorder, St. Louis.

I. A. LAPHAM, Milwaukee.

DAVID ANDERSON, Cincinnati.

JESSE CLEMENT, Editor Western Literary Messenger, Buffalo.

 Donors to the Society's Library and Collections will, in return, be placed upon the list of exchanges, and receive equivalent publications of the Society.

SECOND ANNUAL REPORT.

TO HIS EXCELLENCY, WM. A. BARSTOW,

Governor of the State of Wisconsin.

SIR:—The undersigned Executive Committee of the STATE HISTORICAL SOCIETY OF WISCONSIN, in compliance with the act of the Legislature granting five hundred dollars annually to the Society, beg to present herewith the report of the Treasurer for the past year, exhibiting the objects and extent of the expenditures of the Society, with the accompanying vouchers. The total receipts of the year, including the balance on hand on the 2d of January last, have been \$760 42, and the disbursements \$668 12—leaving a balance in the Treasury of \$92 30.

In presenting their Second Annual Report, the Executive Committee are happy in being able to congratulate the members of the Society, and the citizens of the State, on the large measure of success that has attended the Society during the past year. The increase in the library and collections has been very large—without a precedent in the history of any similar association in the Western States; and the Society, at the same time, has increased its hold upon the sympathies and kind offices of men of letters abroad, and of our own enlightened fellow citizens of Wisconsin. With noble ends gained by honorable means, it is a subject of just pride to the Committee, that our institution, having no selfish, sectarian, partizan, or exclusive aims, should thus receive the warm approbation of the wise and the good at home and abroad.

In January, 1854, after the Society had been five years in existence, there were but fifty volumes in the library. At that date an efficient re-organization was effected, and the patronage of the State secured; and the result was, that on the 1st of January, 1855, the library by gifts, purchases and exchanges had increased to 1050; and now, after the labors of another successful year, we have to report the present number of volumes in the library at 2115—exhibiting an increase the past year of 1065 volumes, thus something more than doubling the aggregate in a single year. Of this increase, 192 were by purchase, and 873 by donation and exchange; while the previous year, the number of volumes purchased was 130, and 870 received by donation and exchange; and the 50 volumes which the Society possessed prior to 1854, were all donated. Thus of the present number in the library, 322 volumes were purchased, and 1793 were received by donation and exchange. During the past year, of the additions to the library, 46 volumes were folios, 53 were quartos, the rest chiefly of octavo size; thus making now in the library 108 folios, and 128 quartos. These works relate almost exclusively to our own country, and may be classified as follows:

Works on history, biography, travels, bound newspaper files, and publications of Historical and Antiquarian Societies,	937 vols.
Congressional publications,	509 “
Agricultural, mechanical and scientific,	155 “
State laws and State legislation,	150 “
Miscellaneous,	364 “
Total,	2115 “

The character and value of the works added to the library during the past year, demand a passing notice. The Committee have had constantly in view the paramount object of first obtaining all works relating immediately or remotely to our own State, and then of the West generally. Of this class may be mentioned the works of Lescarbot, Marquette, La Hontan, La Salle, Hennepin, Labat, Lafitau, Crespel, Carver, Henry, Pike, Shea,

Franchere, Falconer, McLeod, Hanson and others. The large folio work on the American Indians, by Hall and McKinney, in three volumes, with 120 beautifully colored engravings, taken mostly from the collection of the Indian Bureau at Washington, and embracing among the number several chieftains of the Ottawa, Chippewa, Winnebago, Menomonee, Sauk and Fox nations, is a valuable acquisition to our library. It was purchased at considerably less than the usual price. A large number of state, county and town histories and family genealogies, relating to various portions of the Union, and many of them gifts from their respective authors, have been added to the library, and serve a most valuable purpose in tracing genealogies, as well as facilitating general and local historical research and investigation.

Our newspaper files, so valuable for numerous purposes of reference, have been largely augmented. Fifty-eight bound volumes have been added during the past twelve months, of which thirty-three volumes relate to the period preceding the introduction of the printing press in Wisconsin, in 1833. The whole number of bound newspaper files now in the library, including Niles' Register, is 206, making almost a continuous series from 1784 to the present time. We have one prior volume, covering a portion of 1776 and 1777. We have Gen. Ellis' file of the Green Bay *Intelligencer* from its commencement, Dec. 11, 1833 to Sept. 1835, and then a gap occurs until the establishment of the *Wisconsin Enquirer*, by J. A. Noonan, Nov. 8, 1838; but this hiatus, we hope, will be amply supplied by the valuable files of territorial papers so considerately preserved and so kindly promised to our Society, by the Hon. George Hyer and the Hon. Joshua Hathaway, both early and meritorious pioneers of Wisconsin, and warm friends of our Society. Rev. Alfred Brunson, another early pioneer, has promised a file of the *N. Y. Advocate and Journal*, from Aug. 1832 to May 1834, containing many of Mr. Brunson's communications relative to Western matters at that period; G. W. Bliss promises a full file of the Mineral Point *Tribune*, embracing 8 volumes; J. C. Cover, the Lancaster *Herald*, 1851-55;

E. B. Quiner, *Watertown Register*, 1850-54; Mrs. Hiram A. Wright, a file of the *Prairie du Chien Patriot*, 1846-51; John Dougherty, a file of the *Oshkosh Democrat*, 1854-55; J. Crowley, *Menasha Advocate*, 1854-55; Gen. A. G. Ellis, *Stevens Point Pinery*, 1853-55; and Gov. Doty, a file of Dr. Philleo's *Galenian* for 1832, valuable as containing the current news of the Black Hawk war. Other early files of Wisconsin papers, preserved by members of our Society, residing at Milwaukee, Mineral Point, Kenosha, Appleton, Elkhorn and Portage City, in this State, and Easton, Pa., it is anxiously hoped will eventually find their way to our collections, and thus very materially enrich this invaluable department of our library.

The Society is in the regular receipt of sixty-eight publications, of which fifty-two are published in Wisconsin, and of this number, five are dailies, fifty-one weeklies, ten monthlies, or semi-monthlies, and one quarterly; and there are besides, at least, seven Wisconsin weekly papers, preserved for the Society, at the offices of their publication—making a total of seventy-five publications carefully preserved for binding, and which will add largely to our already respectable collection of newspaper files. It is extremely desirable, that the newspaper editors and publishers of our State, who have not hitherto contributed their respective publications, should do so regularly and, if possible, from their commencement; and those persons who may possess old files, are earnestly requested to bestow them upon the society. Let it be the pride of Wisconsin that we endeavor to possess a more complete series of newspapers of our own State, than does any similar Society of its State in the Union. Beginning thus early, if we but persevere unflinchingly, we can secure this desirable attainment.

During the past year, about two thousand pamphlets and documents have been received, making our whole collection number not far from three thousand. This kind of material is important, comprising history, statistics, orations, eulogies, speeches in Congress, catalogues, essays, and public documents—they form, in the

estimation of Webster, "the elements of history." They should, in due time, be arranged by subjects, bound and indexed, and then would be regarded as truly valuable. The cost of binding, however, would be quite an item.

Among the donors to the library, ex-Gov. Tallmadge is the most conspicuous. He has presented his valuable collection of Congressional documents, for the period he was a member of the U. S. Senate, from 1832 to 1843, uniformly bound, in 160 volumes, which form a complete series. From the Department of State, Washington, has been received 164 bound volumes, comprising mostly laws, journals and reports of national legislation. Hon. Wm. B. Towne, the American Antiquarian Society, S. G. Drake, Geo. R. Sampson, John P. Jewett, Rev. J. S. Barry, Dr. Edward Jarvis, Wm. H. Prescott and Hon. Chas. Francis Adams, of Mass.; J. S. C. Abbott, of Maine; Rev. E. W. Stone, R. I.; Miss F. M. Caulkins, Conn.; Samuel Cole and G. O. Deeth, D. C.; J. B. Lippincott & Co., Phila.; S. G. Deeth, N. J.; Dr. Martyn Paine, Joel Munsell, Mrs. Emma Willard, Dr. F. B. Hough, and J. H. Hiccox, New York; D. B. Cooke & Co., Ill.; N. Trubner, London; and Silas Chapman, D. S. Durrie, Hon. Chas. Durkee, Hon. Henry Dodge, Hon. I. P. Walker, Hon. B. C. Eastman, Hon. Daniel Wells, jr., Hon. J. B. Macy, Hon. S. S. Case, ex-Gov. J. D. Doty, Dr. H. D. Holt, Hon. Chas. Clement, Hon. Levi Russell, Cyrus Woodman, Dr. W. H. Brisbane and Daniel Noble Johnson, of our own State, have severally made valuable contributions to the library. A full list of the donors of bound volumes, and the number contributed by each, will be found appended to this report.

The publications of the Historical Societies of New Hampshire, Massachusetts, Rhode Island, New Jersey, Minnesota, the New England Historic-Genealogical Society, the Smithsonian Institution, and Am. Ethnological Society, have been previously announced as having been received; and we have the pleasure to add, that during the past year those of the American Antiquarian Society, Maine and Ohio Historical Societies, and one volume of

the Pennsylvania Historical Society, have been placed upon our shelves, with assurances that those of the New York, Maryland and Georgia Historical Societies, and ten quarto volumes of the Am. Philosophical Society will be early forwarded. We have also received one volume and several pamphlets from the Royal Society of Northern Antiquaries, Copenhagen; and it would be extremely desirable to receive their larger work on the early discovery and colonization of America by the Northmen in the tenth century. We have the most sanguine expectations that our Society will soon be in possession of a complete series of all the publications of the several Historical and Antiquarian associations of our country.

Twenty maps, pertaining mostly to our own and other Western States, and a large number of charts, have been received; also several fine engravings, among which may be mentioned, the County Election, 22 by 30 inches, from the artist, Geo. C. Bingham; engravings of President Taylor, Silas Wright, Calhoun and Fremont, 12 by 16 inches in size, from N. Trubner, London, of Hon. H. A. Wise, from Cyrus Sharp, a fine photograph of the late Dr. Daniel Drake, of Cincinnati, from E. G. Hawkins, and a large fac-simile copy of the Declaration of Independence, from the State Department, Washington.

To our autograph collection, several interesting additions have been made: Autograph letters of six of the signers of the Declaration of Independence, and the signature of another, have been received; of Samuel Huntington and William Ellery, from Rev. Dr. Sprague; of Thomas McKean, Caesar Rodney and George Read, from Wm. T. Read, Esq.; of Carter Braxton, and signature of John Hart, from F. M. Etting, Esq. We have also received those of John Dickinson, Philip Schuyler, George Clinton, De Witt Clinton, Aaron Burr, Nathan Dane, C. C. Pinckney, Henry Lee, W. H. Crawford, Henry Clay, Daniel Webster, Martin Van Buren, Zachary Taylor, R. M. Johnson, Thomas Carwin, John M. Clayton, and others.

A beautiful plaster statuette of Gen. Jackson has been received from the celebrated artist, Clark Mills, but was unfortunately broken on the way; and learning which, the talented and indefatigable artist, nothing daunted, has informed the Society that he has resolved to supply its place with a metal one, as soon as he can conveniently cast it. A gift so valuable, from such an eminent artist, would ever be regarded as a splendid triumph of American genius, and a worthy ornament to our library.

To C. A. Johnson the Society is indebted for a beautiful case of daguerreotypes of 27 members of the last Wisconsin Legislature, and a framed daguerreotype of Gen. W. R. Smith. Also daguerreotypes of Col. Joseph Dickson and William Davidson, pioneers of our State, and of Lieut. Gov. Burns, Hon. A. P. Ladd, and Hon. T. J. Moorman have been received since the last report was made.

During the year, the Cabinet has been enriched with various curiosities; a silken tassel from the bed of the unfortunate Mary Queen of Scots, obtained from Holyrood Castle, Edinburgh, and presented by Robert White; a fragment of the frigate Constitution, so well known as Old Ironsides, from Hon. Levi Russell; one of the original stamps of the celebrated Stamp Act of 1765, which aroused the spirit of resistance to British oppression, and led the way to American Independence, from F. M. Etting, Esq.; a white marble idol, with the head broken off and missing, five inches in height, in an oriental sitting posture, found in 1854, about one foot under the surface, while ditching a marsh lot near Taycheedah, Fond du Lac county, presented by Judge Hubbell; a rosary of olive wood, from the Mount of Olives, presented by the late Hon. G. R. McLane; a large quantity of continental paper money, from Gen. W. R. Smith, F. M. Etting, and Rev. A. Brunson; and from the latter and others, several notes and shinplasters of early Wisconsin banks and corporations. From the heirs of the late Hon. John Lawe of Green Bay, has been received, through the kindness of Hon. H. S. Baird, the ancient court dress of the quaint old Green Bay pioneer, the late Judge Charles Reaume. Quite

a number of curious coin have been added to our collection ; three ancient Roman ones of the first century, dug up a few years since, in Lincolnshire, on the old Roman road from London to Scotland, presented by Robert White ; a silver coin, about the value of 16 cents, bearing date 1593, dug up, about 1842, in Berkshire county, England, and presented by John W. Ford ; and others of modern dates, from Prof. J. J. Cole, Mrs. O. M. Conover, Mrs. Robert White, H. D. Holt, and others. Capt. George S. Dodge, with the just appreciation of an enlightened scholar and traveler, has generously promised, that our Society shall, in due time, receive his valuable collection of about two hundred rare and curious coin, collected in the United States, Europe, Mexico, and other countries, and must add much to our knowledge of numismatics.

THE PICTURE GALLERY has become one of the most interesting and valuable features of our collection. In the last annual report three portraits were acknowledged as having been received—a copy of STUART'S WASHINGTON, from the venerable Thomas Sully ; and a copy of Jarvis' Gen. GEORGE ROGERS CLARK, the Hannibal of the west, and an original portrait of Dr. WM. BYRD POWELL, a learned writer of Kentucky on medicine and science. Fifteen others were announced as having been kindly promised the Society. During the past year, eight* portraits have been received, and now adorn our Hall. Five of them are from the pencil of the late ROBERT M. SULLY—two of them originals, never copied, WAPE-SHE KA or the *Light Cloud*, better known as the *Prophet* of the Sauks and Foxes, and Black Hawk's son NA-SHE-A-KUSK or *Loud Thunder*, both painted from life by the artist in 1833 ; and an improved copy of his BLACK HAWK, painted at the same time ; also a copy of a splendid portrait of CHIEF JUSTICE MARSHALL, from an original taken by the lamented artist ; and a copy of the beautiful POCAHONTAS, taken from an ancient painting, since crumbled to ruins, long preserved by the descendants of this renowned In-

* As this page is being put in type, April, 1856, the total number of oil paintings in the Picture Gallery has increased to twenty-two ; vide Librarian's report, which has been made to include them all.

dian Princess; of the others, one is an original portrait of DE WITT CLINTON, which was once possessed by that eminent statesman, another is a striking likeness of Hon. BYRON KILBOURN, a Milwaukee pioneer, painted by S. M. Brookes; and the other, a good portrait of Hon. I. P. WALKER, taken in 1852. The portraits of Black Hawk, Na-she-a-kusk and Wa-pe-she-ka, were purchased at a low price from Mr. Sully; while those of Pocahontas and Chief Justice Marshall were liberally presented by the lamented artist. The portrait of Clinton was purchased at a mere nominal price, that of Mr. Kilbourn was presented by himself, and that of Ex-Senator Walker was kindly contributed by Geo. P. Delaplaine, Esq.

We have the promise of portraits from the following forty-seven persons, all more or less intimately associated with the history of Wisconsin: Gen. Lewis Cass, so long the Governor of Michigan Territory when what is now Wisconsin formed a portion of his government, ex-Gov. John Reynolds, of Illinois, so prominently connected with the Black Hawk war, Gov. Henry Dodge, Gov. Tallmadge, Gov. Dewey, Gov. Farwell, Gov. Barstow, Hon. Solomon Juneau, Hon. James H. Lockwood, Col. Ebenezer Childs, Hon. Henry S. Baird, Hon. Ebenezer Brigham, Hon. Moses Meeker, Gen. Wm. R. Smith, Hon. Morgan L. Martin, Col. Jas. Morrison, Col. D. M. Parkison, Maj. John H. Rountree, Hon. A. A. Townsend, Capt. R. M. McGoan, Rev. Alfred Brunson, Gen. A. G. Ellis, Hon. John S. Horner, Chief Justice Whiton, Hon. A. D. Smith, I. A. Lapham, Esq., Hon. Alanson Sweet, Hon. Mason C. Darling, Col. Samuel Ryan, Hon. Charles C. Sholes, Col. James Maxwell, Cyrus Woodman, Esq., Col. A. A. Bird, Hon. Simeon Mills, Darwin Clark, Esq., Col. H. M. Billings, Hon. Patrick Rogan, John Messersmith, Gen. Geo. W. Hickcox, Stephen Taylor, Esq., Maj. John P. Sheldon, Hon. Joshua Hathaway, Bishop Henni, Hon. Charles H. Larrabee, Asahel Finch, Jr., Esq., Hon. Daniel Wells, Jr., and Geo. P. Delaplaine, Esq. It is anxiously to be desired, that all these portraits, with those of other pioneers and early public men of Wisconsin which have been respectfully solicited, will be early furnished; then the Society

may well point with pride to the collection as the most complete possessed by any State, of its worthy pioneers and early public servants. Such a Gallery would not only prove deeply interesting as works of art, but most of them would serve an invaluable purpose in illustrating the history and historic men of our State. It is proper in this connection to remark, that the distinguished artists Jasper F. Cropsey, John Neagle, J. McMurtrie, P. F. Rothermel, William Hart, and Samuel M. Brookes, have severally promised or intimated some gift of their pencil to the Society—worthy tributes from men of genius which would ever be held in high estimation by our Society.

By the great kindness of S. M. Brookes, of Milwaukee, a bust of Hon. Byron Kilbourn, and one of Bishop Henni, both cast by that talented artist, have been bestowed upon the Society, and now adorn our Library.

Personal memorials of Henry Clay and Dewitt Clinton have been received from Thomas H. Clay, Esq., and Hon. G. W. Clinton. Personal memorials of Washington, kindly promised by his venerable step-son, Geo. W. P. Custis, of Webster, by his son Hon. Fletcher Webster, and of Harrison, by his son, Hon. J. S. Harrison, have not yet reached our Cabinet, but hope they may during the coming year. Similar memorials of Franklin, La Fayette and Jackson have been sought, but hitherto without success. Such relics possess a peculiar interest, and serve to keep alive the fires of patriotism in the hearts of the people.

Several important donations have been kindly tendered the Society, and which may confidently be expected to reach our collections during the year; among them, a set of the works of John Adams, in 10 volumes, from his grandson, Hon. Charles Francis Adams; over 30 volumes of the N. A. Review, from D. W. Ballou, Jr.; nearly 70 historical volumes from the library of the late Dr. Stephen W. Williams, tendered by his family in accordance with his request; the works of B. J. Lossing, Hon. J. R. Bartlett, Rev. Dr. R. Davidson, Alfred B. Street, Edmund Flagg, S.

Agustus Mitchell, G. W. Riggs, Jr., and others. The committee of Boston merchants having in charge the getting up of the gold medal to Com. Perry, have promised a bronze copy to our Society; and G. W. Childs, Esq., the enterprising publisher, has tendered proof impressions of his engravings of Stuart's Washington and Sully's Jackson, beside several volumes of books.

Since the last annual meeting, the *First Annual Report and Collections of the Society* have been published by the State in a thin volume of 160 pages, and some three thousand copies have been circulated in our State, and other portions of the Union. This publication has served the Society a valuable purpose, to send in return to donors, making more fully known, especially to the citizens of our own State, the worthy aims of our organization, and giving ample evidence of the good it has already effected, and is destined still further to effect. There is, however, a suggestion which has come from many able and learned men, that we must beg to present—that our annual publication, which is to be the permanent repository of a large mass of valuable historical and statistical matter relating to Wisconsin, should be issued in a better and more enduring form; that the quality of the paper should be better, and a portion, if not all of the edition, should be put up in cloth binding—in a style similar to the Transactions of our Agricultural Society, published by the State. While this would cost the State but a small additional sum, it would prove largely creditable alike to the State and Society, and would better subserve the great end of preserving the valuable collections thus yearly brought together.

Among the many reasons which might be adduced in favor of an improved style of publication, we would respectfully advert to the following:

I. It would prove highly useful to the State, by furnishing reliable materials for historians and other writers, at home and abroad, and by thus disseminating a correct knowledge of the history and progress of our towns and counties, render our State

more favorably known abroad, and more especially direct the attention of an intelligent class of emigrants and capitalists to our borders.

II. Such a publication would be a powerful incentive to our old pioneers and intelligent early settlers to prepare and furnish their written reminiscences.

III. The valuable manuscript narratives collected by the Society would thereby be rendered secure from all contingencies and accidents—the most of which collections once lost, could never be replaced.

IV. The library, now numbering over 2100 volumes, and over 3000 pamphlets, and about 70 periodicals regularly received, has been collected mainly by donations; and this publication, if creditably gotten up in its typographical appearance, would enable the Society to properly reciprocate these valuable gifts, and largely encourage others.

VI. Every reasonable encouragement to the Society in its earnest efforts to build up a public reference library of works of history, statistics and general literature, would lessen the necessity of making appropriations to increase the State Library, except for that class of works relating particularly to law and legislation.

The manuscript collections of the past year have been quite large in number, and valuable in point of matter. The more important of those received, may be found appended to this report, and evince, as all must acknowledge, a gratifying evidence of the success of the Society in this department of its labors, and testify most conclusively to the interest and high appreciation cherished by the intelligent pioneers of Wisconsin in behalf of the worthy objects contemplated by our organization. In addition to these, a number of other valuable papers are promised, which may early be expected to reach our archives.

The State publications granted the Society to aid in effecting exchanges have been mostly received for the years 1854 and 1855,

and will be early transmitted to the several societies and libraries to which they have been voted. Several causes have conspired to delay their reception by the Society. The volumes granted by the State to Mons. A. Vattermare, to be transmitted through the meridian of the Society, will be speedily sent forward to their destination; and both our own Society and the State Library may soon hope to reap the benefits of Vattermare's noble system of International Literary Exchanges.

During the past year, the Executive Committee have regularly held their monthly stated meetings, and four special meetings, and one special meeting of the Society has also been held. This steady interest manifested by the members may be inferred from the fact that, since the re-organization of the Society in January, 1854, no meeting ever failed for want of a quorum. Forty seven active members have been added to the Society in the course of the year, seventeen life members, several honorary, and a large number of corresponding members. The library and collections have been frequently consulted, and the varied benefits to be derived from them must largely increase with the growth and expansion of the Society. Pains have been taken by the Society to encourage and facilitate the preparation of works devoted to the history and progress of the more important towns and counties of our State.

The Society has sustained, during the year, a serious loss in the deaths of Judge Wright, a member of the Executive Committee, Dr. McLane, a Vice President of the Society, and R. M. Sully, an Honorary Member, and one of its largest benefactors. We cannot well over-estimate the loss of the lamented Sully, whose generous soul seemed constantly on the study to devise new plans by which to render the Society unique and prosperous. And dying while on his journey to take up his permanent residence among us, and devote his superior talents to the honor of our State and Society, added not a little to our sorrow and regret at his untimely departure. The action of the Executive Committee on these occasions, will be found appended to this report.

The Society will continue to need, as we trust it will cheerfully receive, the fostering care of the Legislature, and the people.— May we not venture to express the hope, that many of our liberal and wealthy citizens may be induced to bestow a portion of their surplus wealth upon our Society, that it may, like several similar societies, have an endowment to place it beyond the reach of capricious favor, and thus never be suffered to languish for want of means to carry into effect its laudable purposes.

Our collections are already becoming so large and valuable, as to impress the minds of the Committee with the importance of a fire-proof building for their safety and preservation. We should be admonished by the destruction, in whole or in part, of public archives by fire on many occasions—in New Hampshire in 1736, in Massachusetts in 1747, besides having been damaged by three previous fires; in New York in 1740–41, and 1773; in New Jersey in 1686; in North Carolina in 1831; in South Carolina in 1698; and in Canada in 1854—all which were accidental; and in Virginia in 1781, by the fratricide Arnold. Five times have the national archives suffered by conflagration—in 1800, when the buildings of the War Department were destroyed; in 1814, when the British troops burned the public buildings; in 1833, when the Treasury buildings were destroyed; and again in 1836, and lastly in 1851, when the Congressional Library was burned. Until our Society secures a fire-proof building for the custody of its inestimable treasures, its friends cannot entirely repress their fears and anxieties. Several public-spirited citizens of our State, justly appreciating the importance of preserving the Society's collections, have each pledged fifty dollars towards a fire-proof building fund; others stand ready to contribute liberally when it shall be deemed a proper time to make an efficient movement.

The American Antiquarian Society has a fire-proof building which cost about \$18,000, of which its President, Hon. Stephen Salisbury, contributed \$5,000 and the ground on which the building stands; the New York Historical Society has a commodious building nearly ready for occupancy, the foundation fund for

which was the generous bequest of a maiden lady, of five thousand dollars; the Pennsylvania and Maryland Historical Societies, possessing each a library and collections scarcely larger than ours, have their permanent quarters; while the Maine Historical Society has received from the Legislature of that State a donation of land, valued at \$6,000, to aid in erecting a permanent edifice. The Historical Society of New Jersey, whose collections are about the same in extent as ours, has raised funds for a building; and even the young, energetic Society of Minnesota is now engaged in raising fifteen hundred dollars to purchase a lot for the site of its intended structure.

If we had a fire-proof depository for our collections, they would be largely augmented by books, manuscripts, papers, pictures—comprising the most authentic materials for history, now scattered over the State, and beyond the reach of those who might, for public or historic purposes, wish to consult them. It is to be hoped that if the State should soon erect a new capitol, or enlarge the present edifice, the legislature would provide a permanent, safe and commodious Hall for the use of our Society; and if this cannot be effected within a reasonable period, that the Legislature be memorialized for an appropriation to aid in the erection of a fire proof building, on condition that a certain additional amount be raised among the citizens of the State for that purpose. A Hall of this character is greatly needed, and we cannot too soon take the matter into consideration, and devise the best means to secure the object in view.

Such is the history and almost unexampled growth, and such the aims, the hopes, the wants, of our State Historical Society.—We can better comprehend what has been accomplished in our comparatively brief career, by glancing briefly at the rise and progress of similar Societies in our country. The Massachusetts Historical Society, the pioneer institution of the Union, which was founded in 1791, has 8,000 volumes in its library, and has published 31 volumes of collections; the New York Historical Society was founded in 1804, has 25,000 vols., and has published

about thirteen volumes of collections and proceedings ; the American Antiquarian Society, founded in 1812, has 22,000 vols., and has published 3 vols. of collections, a catalogue volume, and several pamphlets ; the Rhode Island Historical Society, founded in 1822, has 2500 vols., and has published five volumes of collections ; Maine Historical Society, founded in 1822, number of vols. in its library unknown, has published 3 vols. of collections ; the New Hampshire Historical Society, founded in 1823, has 1500 vols., and has published six volumes of collections ; the Connecticut Historical Society, founded in 1825, has 8,000 vols., but has published no collections ; the Pennsylvania Historical Society, founded in 1825, with 2,000 vols. in its library, has published five vols. of collections, and several bulletins and pamphlets ; the Virginia Historical Society, founded in 1831, has 1200 vols., and has published one volume of collections, and about seven volumes of an Historical Register ; the Ohio Historical Society, founded in 1831, has 1,000 vols., and has published three volumes of collections and several pamphlets ; the Kentucky Historical Society, founded in 1833, has 1,000 volumes, and has issued no publications ; the Georgia Historical Society, founded in 1839, has united its library with that of the Savannah Society, and has published three volumes of collections ; the Maryland Historical Society, founded in 1844, has 2123 vols., and has published several pamphlets ; the Missouri Historical Society, founded in 1844, has 300 vols., and has issued one pamphlet of proceedings ; the New England Historic-Genealogical Society, founded in 1814, has 3,000 volumes, and has published 9 vols. of an Historical and Genealogical Register, and some pamphlets ; the New Jersey Historical Society, founded in 1845, has 1930 volumes, and has published four volumes of collections and six of proceedings ; the Minnesota Historical Society, founded in 1849, has 300 volumes, and has published four pamphlets of collections. There are other Historical Societies extant, such as those of Vermont, North Carolina, South Carolina, Alabama, Iowa, whose libraries are small, and which have issued no publications. It thus appears from the most

recent statistics of these Societies, that there are only seven which exceed ours in the extent of their libraries, and none that has equalled ours in the rapidity of its growth—our Society having been founded Jan. 30, 1849, and having 2,115 volumes, some 3000 pamphlets, eleven paintings, and a large number of manuscripts, engravings, antiquities and curiosities in its library, and having published one volume of collections, and three annual addresses in pamphlet form.

The value of such collections cannot be too highly estimated. Clinton, Gallatin, Webster, Bancroft, Cass, Everett, Harrison, and many other leading minds of our country, have warmly commended and encouraged the labors of Historical Societies. "The advantages resulting from the study of history and the collection of historical records," as remarked in a former report of the New York Historical Society, and which is equally applicable to ours, "cannot be too strongly urged on the attention of the members of this society. In order that history may be written with truth, authentic materials must be provided. No generation comprises within its own knowledge and experience all that is necessary to secure the integrity of its annals. It must rely upon records, it must examine and compare opinions, it must study the events of the past. It must have the means of investigation and analysis at hand. Collections like this by which we are surrounded, and which are designed to preserve the memories of other days, will be deemed of inestimable value by generations which are to come after us. Such works are a blessing to mankind, since they furnish men with a true standard of character, excite them to a noble emulation, keep alive the stimulus of honorable example and prevent that lapse of national reputation which would be unavoidable without the incitement and influence of great names and noble deeds."

In drawing their report to a close, the Executive Committee would advert to the fact, that they have been cheered in their labors by the encouraging words of those who rank among the most eminent in our country in the walks of history—such as Bancroft, Prescott, Hildreth, Irving, Sparks, Parkman, Adams, Mrs. Wil-

lard, Miss Caulkins, and others. "I hear on all hands," observes Mr. Bancroft, "that the immediate associates of your Society are singularly zealous and diligent in gathering together, preserving, and, as far as possible, in publishing the memorials of other days." "Your new State," writes Miss Caulkins, the faithful historian of Norwich and New London, Connecticut, "will, I trust, be more fortunate than older ones at the East. You will have records that begin with the beginning—full, accurate, and carefully preserved. We hail your Society with peculiar satisfaction as an earnest and pledge that the records of the early history of your State, of all kinds, will be preserved from destruction. You have not commenced your labors a day too soon. I fear, even now, that in some instances the Goths and Vandals have preceded you, and this or that document—here a file of old letters, and there the loose sheets of a clerk, or the note-books of a moderator, collector, or constable, have been cast into the flames, or scattered by the winds." "When again," writes the historian, Mrs. Willard, "I shall add to the record of passing events in my larger American history, I shall be benefitted, especially with regard to the progress of Wisconsin, by the papers which I shall be happy occasionally to receive, or which *possibly* I may have opportunity of examining at the place of deposit; for such collections as you are so efficiently making, and at a date when everything respecting your State may be known, will make Madison a point of attraction to those who wish to learn the true history of your astonishing progress."

With such noble aims, and high encouragements, may the STATE HISTORICAL SOCIETY OF WISCONSIN never falter in its chosen career of usefulness and prosperity.

WM. R. SMITH,
L. J. FARWELL,
J. P. ATWOOD,
LYMAN C. DRAPER,
JOHN W. HUNT,
O. M. CONOVER,
S. H. CARPENTER,

D. J. POWERS,
E. A. CALKINS,
DAVID ATWOOD,
SIMEON MILLS,
DANIEL S. DURRIE,
WM. A. WHITE,
JULIUS T. CLARK,

JOHN Y. SMITH,

Madison, Jan. 1, 1856.

Executive Committee.

APPENDIX.

APPENDIX No. 1.

TREASURER'S REPORT.

The Treasurer of the WISCONSIN STATE HISTORICAL SOCIETY respectfully presents the following statement of receipts into the Treasury, and disbursements therefrom, during the year ending January 1st, 1856:

RECEIPTS.

Jan. 2, 1855,	Balance in treasury, as per last report	\$55 42
March 7, "	Annual appropriation from the State,	500 00
April 7, "	From Secretary, dues from active members,	1 00
" "	do donation from Hon. J. A. Bryan,	5 00
" "	do do Hon. G. F. Wright,	1 00
Aug. 9, "	do dues from active members,	7 00
" "	do A. Finch, jr., life membership,	20 00
" "	do W. Plocker, donation,	1 00
Sept. 11, "	do dues from active members,	4 00
" "	do donation from Gen. C. Bracken,	2 00
" "	do do Col. J. Maxwell,	1 00
" "	do do Dr. B. S. Henning,	1 00
Oct. 2, "	do dues from active members,	2 00
" "	do Hon. John Catlin, life membership,	20 00
Nov. 6, "	do dues from active members,	2 00
Dec. 22, "	do do do	13 00
" "	do Hon. L. J. Farwell, life membership,	20 00
Jan. 1, 1856,	do dues from active members,	5 00
" "	do Hon. L. B. Vilas, life membership,	20 00
" "	do Hon. D. J. Powers, do	20 00
" "	do H. C. Bull, do	20 00
" "	do H. K. Lawrence, do	20 00
" "	do B. F. Hopkins, do	20 00

Total, \$760 42

DISBURSEMENTS.

Feb. 6,	1855,	To R. White & Co., for shelving in library,.....	\$10 00
do	do	Atwood & Rublee, extra papers of proceedings..	10 00
do	do	D. Gorum, for 2 cords wood, and sawing same....	8 00
do	do	L. C. Draper, postage, lights and express charges..	1 75
do	do	For large map of Kentucky.....	4 00
April 5,	do	To R. M. Sully, for three Indian portraits.....	100 00
do	do	Trustees of Baptist Society for room rent,.....	50 00
do	do	C. B. Norton, for Lit. Gazette, 1855	2 00
do	do	For books purchased at sale of Ingraham library..	56 43
do	do	S. H. Carpenter, for printing circular.....	30 00
do	do	L. C. Draper, for postage and freight	6 35
May 1,	do	Express Company, freight on Sully pictures	5 75
do	do	L. C. Draper, freight and lights.....	1 25
June 12,	do	C. B. Norton, for bill of books	50 64
do	do	L. C. Draper, for shelving, postage, &c.....	14 57
do	do	Mil. & Miss. R. R.....	4 70
do	do	Am. Express Company, for freight.....	8 75
Aug. 14,	do	S. G. Deeth, for bound newspapers and books ..	54 50
do	do	Am. Express company, for freight	9 75
do	do	L. C. Draper, postage, &c.....	8 17
Sept. 11,	do	Trustees Baptist Society, for room rent.....	60 00
do	do	J. B. Duclua, for shelving in library.....	20 00
do	do	L. C. Draper, amount of two freight bills.....	6 88
do	do	do postage and items.....	10 76
Oct. 2,	do	Weed & Eberhard, binding newspapers.....	40 00
do	do	Am. Express Company, for freight.....	4 75
do	do	L. C. Draper, freight, &c.....	3 00
Nov. 6,	do	do postage and items	6 47
do	do	M. & M. R. R., freight.....	3 00
do	do	Am. Express Company, freight	1 38
Dec. 20,	do	L. C. Draper, postage, freight, &c.....	
do	do	Am. Express Company, freight.....	26 50
do	do	M. & M. R. R., freight	2 20
Jan. 1, 1856,	do	L. C. Draper, postage and items.....	6 80
do	do	Am. Express Company, freight.....	28 00
do	do	Grim & Co., for framing engraving.....	5 00
Total disbursements			\$668 12
Balance on hand.....			92 30
			<hr/> \$760 42

Vouchers for each of the foregoing disbursements are herewith presented.

Respectfully submitted,

O. M. CONOVER, Treasurer.

Audited and found correct.

JOHN W. HUNT, }
J. P. ATWOOD, } Auditing Committee
D. J. POWERS, }

APPENDIX NO. 2.

LIST OF DONORS TO THE LIBRARY, 1849-55, INCLUSIVE.

Only 50 volumes of the following list were received prior to the re-organization of the Society, in January, 1854:

MAINE.

Maine Historical Society.....	6	
Rev. J. C. S. Abbott.....	6	
Cyrus Eaton.....	1	
	—	13

NEW HAMPSHIRE.

New Hampshire Historical Society.....	7	
Rev. Dr. N. Bouton.....	1	
Dartmouth College.....	1	
Rev. Dr. L. W. Leonard.....	1	
	—	10

VERMONT.

Rev. Zadock Thompson.....	4	
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MASSACHUSETTS.

Massachusetts Historical Society.....	31	
American Antiquarian Society.....	13	
New England Historic-Genealogical Society.....	9	
Harvard College.....	6	
Essex Institute.....	4	
Hon. Wm. B. Towne.....	19	
Samuel G. Drake.....	15	
Hon. Edward Everett.....	10	
John P. Jewett.....	7	
George R. Sampson.....	6	
Wm. H. Prescott.....	5	
Hon. Charles Francis Adams.....	4	

MASSACHUSETTS—*continued.*

Rev. John S. Barry	3
Hon Stephen Salisbury	2
Hon. Josiah Quincy	2
Henry Gassett	2
John Dean	2
A. H. Ward	2
Hon. Wm. Whiting	2
Dean Dudley	2
Rev. Dr. A. Lamson	2
Gen. W. H. Sumner	2
Francis Parkman, Col. Sam'l Sweet, J. S. Loring, Rev. H. R. Hoisington, Charles Stearns, Rev. Frederick Kidder, Hon. S. A. Eliot, C. M. Ellis, E. V. Childe, G. & C. Merriam, S. H. Jennison, Hon. Mark Doolittle, John Dagget, Rev. John Pierpont, H. S. Chase, Hon. Joseph Willard, Rev. E. B. Wilson, Dr. Edward Jarvis, and Dr. W. R. Lawrence, 1 vol. each.,	19 — 169

RHODE ISLAND.

Rhode Island Historical Society	7
Rev. E. M. Stone	6
R. A. Guild	2
Hon. W. B. Lawrence	1
Dr. Usher Parsons	1 — 17

CONNECTICUT.

Connecticut Historical Society	2
Wm. G. Webster	4
J. H. Trumbull	3
Prof. B. Silliman, Sr.	3
Rev. Edwin Hall	3
Hon. Henry Barnard	2
Hon. Wm. Cothren	2
Miss Frances M. Caulkins	2
John Durrie	2
Hon. N. A. Phelps	1
Prof. B. Silliman, Jr.	1 — 25

NEW YORK.

Hon. E. W. Leavenworth, State Department	33
Regents of the University	23
American Institute	8

NEW YORK—*continued.*

American Ethnological Society.....	1
Albany Institute.....	1
Transactions Agricultural Society.....	50
Transactions American Institute.....	40
Joel Munsell.....	32
Dr. Chandler R. Gilman.....	26
David T. Valentine.....	11
Jesse Clement.....	7
Prof. Martyn Paine.....	6
John H. Hickcox.....	6
David Davidson.....	6
Hon. Hamilton Fish.....	5
Mrs. Emma Willard.....	5
A. S. Barnes & Co.....	5
Dr. F. B. Hough.....	5
John Disturnell.....	5
Hon. Washington Hunt.....	4
Hon. Henry S. Randall.....	4
Hon. Frederick Follett.....	4
J. V. H. Clark.....	4
Gen. B. P. Johnson.....	3
Rev. Dr. W. R. Williams.....	3
Col. John S. Williams.....	3
Hon. Royal R. Hinman.....	3
Hon. Wm. W. Campbell.....	3
Wm. Cullen Bryant.....	2
James Lenox.....	2
Hon. Lucien B. Chase.....	2
Herman J. Meyer.....	2
John G. Shea.....	2
Prof. Horace Webster.....	2
Gen. J. Watts De Peyster.....	2
Hon. G. W. Clinton.....	2
Prof. Amos Dean.....	2
Wm. A. Jones.....	2
Wanzer, McKim & Co., J. R. Simms, H. E. Ludewig, G. A. Ward, Hon. S. W. Eager, Hon. A. W. Bradford, E. A. Beach, Ivison & Phinney, Rev. S. Wight, H. Onderdonk, jr., Dr. A. T. Skilton, and Rev. Dr. T. H. Skinner, 1 vol. each.	12

— 338

NEW JERSEY.

New Jersey Historical Society.....	11
S. G. Deeth.....	30

NEW JERSEY—*continued.*

Henry C. Carey.....	2
Rev. Dr. J. F. Stearns.....	1
Rev. Dr. J. Hall.....	1
Hon. Wm. Wright.....	1
	— 46

PENNSYLVANIA.

Pennsylvania Historical Society.....	1
State Department.....	24
Rev. Albert Barnes.....	16
J. B. Lippincott & Co.....	13
E. C. & J. Biddle.....	7
Dr. Wm. Darlington.....	7
J. W. Moore.....	5
Neville B. Craig.....	4
President W. H. Allen, Girard College.....	3
Stephen Taylor.....	2
Samuel Hazard, John F. Watson, Dr. J. Thomas, Dr. A. L. Elwyn, Rev. Dr. Jos. Belcher, Isaac Lea, Hon. J. Robbins, jr. and J. G. O. Kennedy, 1 vol. each...	8
	— 90

DELAWARE.

Benjamin Ferris.....	4
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MARYLAND.

Rev. G. W. Burnap.....	9
Hon. James A. Pierce.....	2
Hon. Thos. G. Pratt.....	1
	— 12

DISTRICT OF COLUMBIA.

Smithsonian Institution.....	7
State Department, Hon. W. L. Marcy.....	164
Indian Bureau.....	5
Patent Office, Hon. C. Mason.....	4
Topographical Bureau, Col. J. J. Abert.....	3
Coast Survey, Prof. A. D. Bache.....	2
Hon. R. McClelland, Sec. Interior.....	5
Gen. Thos. Lawson, Surgeon General.....	4
Geo. Ogden Deeth.....	11
Samuel Cole, Ch'f Clerk Pension Office.....	7
Wm. S. Carroll, Clerk Sup. Court.....	2
has. Lanman.....	2
	— 216

VIRGINIA.

Hon. James M. Mason.....	4	
Robert R. Howison.....	2	
Samuel M. Janney.....	2	
Dr. Wells De Hass.....	1	
John R. Thompson.....	1	10
	—	

NORTH CAROLINA.

Hon. David L. Swain.....	1	
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SOUTH CAROLINA.

Rev. Dr. Thomas Smyth.....	14	
Dr. Joseph Johnson.....	1	
Hon. A. P. Butler.....	1	16
	—	

LOUISIANA.

Hon. Charles Gayarre.....	3	
Hon. J. D. DeBow.....	2	5
	—	

MISSISSIPPI.

Hon. Albert G. Brown.....	2	
Hon. Stephen Adams.....	1	3
	—	

TENNESSEE.

Dr. James G. M. Ramsey.....	1	
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KENTUCKY.

Gen. Lewis Collins.....	1	
Hon. Linn Boyd.....	1	2
	—	

MISSOURI.

Hon. Thomas H. Benton.....	4	
Hon. D. R. Atchison.....	3	7
	—	

OHIO.

Ohio Historical and Philosophical Society.....	6	
Hon. Salmon P. Chase.....	9	
Henry Beard.....	6	

OHIO—*continued.*

Hon. Elisha Whittlesey	4
Caleb Atwater	2
David Anderson	2
John P. Foote, John C. McDonald, Dr. S. P. Hildreth, W. H. Safford, Gen. L. V. Pierce, W. T. Coggeshall and Chas. Olcott, 1 vol. each	7
	— 36

INDIANA.

Gov. Joseph A. Wright	21
Hon. John Petit	6
Hon. J. G. Davis	2
	— 29

ILLINOIS.

A. H. & C. Burley	30
D. B. Cooke & Co	20
Hon. James Shields	5
Charles R. Starkweather	4
Dr. E. C. Shipman	2
Hon. S. A. Douglas	2
Hon. John Reynolds	2
H. C. Foster	2
S. C. Griggs & Co	1
Hon. Norman Eddy	1
S. De Witt Drown	1
	— 70

IOWA.

Hon. Augustus C. Dodge	8
Hon. Bernhart Henn	2
	— 10

MICHIGAN.

Hon. Lewis Cass	2
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NEBRASKA.

William Walker	1
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GREAT BRITAIN.

N. Trubner, publisher, London	14
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DENMARK.

Royal Society of Northern Antiquaries	1
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WISCONSIN.

From the State	71
Hon. N. P. Tallmadge	160
Hon. Ben. C. Eastman	45
Hon. Henry Dodge	35
Lyman C. Draper	31
Hon. I. P. Walker	21
Silas Chapman	18
Cyrus Woodman	18
W. N. Seymour	15
Darwin Clark	15
W. W. Wyman	15
Hon. James D. Doty	14
Daniel S. Durrie	14
Dr. H. D. Holt	11
Hon. Levi Russell	10
Col. John Shaw	9
Dr. John W. Hunt	8
Hon. Charles Durkee	8
Hon. John B. Macy	7
Chancy C. Britt	7
Dr. Joseph Gray	7
Hon. Charles Clement	6
Dr. Wm. Henry Brisbane	6
Daniel Noble Johnson	6
Elias A. Calkins	5
I. A. Lapham	5
Daniel S. Curtis	4
David Holt	4
Mark Miller	4
State Agricultural Society	3
Hon. James H. Lockwood	3
Beriah Brown	3
Col. Alex. Botkin	3
Stephen G. Benedict	3
Hon. Daniel Wells, Jr.	3
Hon. G. R. McLane	2
Prof. F. Hudson	2
Col. James Morrison	2
Hon. Thomas McHugh	2
Hon. Squire S. Case	2
Weed & Eberhard	2
W. H. Watson	2
Dr. A. L. Castleman	2

WISCONSIN—*continued.*

Rev. M. D. Miller.....	2
Julius T. Clark.....	2
D. C. Brown, Hon. C. A. Stevens, J. R. Baltzell, Hon. D. J. Powers, G. O. Tiffany, Hon. I. E. Goodall, Rev. Spencer Carr, Gen. A. G. Ellis, Gen. Wm. R. Smith, P. Toland, C. Beeson, Royal Buck, John Delaney, A. F. Clarke, Prof. J. G. Percival, Jas. T. Smith, N. Campbell, Prest. Roswell Park, Hon. L. J. Farwell, Joshua Hathaway, Col. D. Atwood, Col. D. M. Parkison, Hon. J. Sutherland, D. C. Bush, and Grand Lodge of Wisconsin, 1 vol. each.....	25
	— 642
Purchased.....	323
	<hr/> 2115

Recapitulation.

Wisconsin.....	642
New York.....	338
Purchased.....	323
District of Columbia.....	216
Massachusetts.....	169
Pennsylvania.....	90
Illinois.....	70
New Jersey.....	46
Ohio.....	36
Indiana.....	29
Connecticut.....	25
Rhode Island.....	17
South Carolina.....	16
Great Britain.....	14
Maine.....	13
Maryland.....	12
New Hampshire.....	10
Virginia.....	10
Iowa.....	10
Missouri.....	7
Louisiana.....	5
Vermont.....	4
Delaware.....	4
Mississippi.....	3
Michigan.....	2
North Carolina.....	1
Tennessee.....	1
Nebraska.....	1
Denmark.....	1
Total.....	<hr/> 2115

PAMPHLETS AND DOCUMENTS REC'D DURING 1854-5.

From Hon. Charles Durkee, of Wis.	1,180
do Joel Munsell, Albany	250
do Rev. E. M. Stone, of R. I.	185
do Dr. Edward Jarvis, of Mass.	175
do Essex Institute	109
do Dr. F. B. Hough, Albany	105
do Samuel G. Drake, Boston	85
do Hon. Levi Russell, of Wis.	76
do Lyman C. Draper, "	75
do Cyrus Woodman, "	75
do Wm. H. Watson, "	75
do Harvard College, Mass.	60
do Dr. J. W. Hunt, of Wis.	50
do J. S. Loring, Boston	45
do J. H. Hickcox, Albany	43
do I. A. Lapham, of Wis.	30
do Silas Chapman, "	30
do S. G. Deeth & Son, New Jersey	30
do Martin Mitchell, of Wis.	20
do Rev. Spencer Carr, "	15
do Hon. W. B. Towre, of Mass.	12
do Hon. G. S. Boutwell, "	10
From Hon. H. Dodge, Hon. L. J. Farwell, Atwood & Rublee, E. A. Calkins, American Antiquarian Society, American Philosophical Society, Smithsonian Institution, Royal Society of Northern Antiquaries, Rhode Island, Pennsylv- ania, Maryland, and Minnesota Historical Societies, and other sources, at least	265
Total	3,000

Maps and charts have been received from Lieut. Maury, Hon. C. Durkee, Hon. Jas. Shields, J. Disturnell, I. A. Lapham, S. A. Mitchell, Dr. J. W. Hunt, Mrs. Emma Willard, Dr. H. Newhall, Rev. A. Kent, Gen. Charles Bracken, S. Chapman, and others.

LIST OF PERIODICALS RECEIVED AND PRESERVED.

QUARTERLIES.

New York Quarterly Review, (not now received.)
 Bibliotheca Sacra, do do
 N. E. Historical and Genealogical Register.

MONTHLIES.

Mining Magazine.
 Western Literary Messenger.
 Cincinnati Genius of the West.
 Wisconsin Farmer.
 Telegraph Magazine, (not now received.)
 Phrenological Journal.
 Wis. Educational Journal.
 Beloit College Monthly.
 Carroll College Student.
 Wisconsin Home.

DAILIES.

Milwaukee Sentinel.
 Janesville Free Press.
 Madison Argus and Democrat.
 do Journal.
 do Patriot.

WEEKLIES.

Milwaukee Wisconsin.
 Kenosha Telegraph.
 do Democrat.
 Baraboo Republic.
 Geneva Express.
 Whitewater Gazette.
 Waukesha Plain Dealer.
 do Democrat.
 Beloit Journal.
 Janesville Standard.
 do Free Press.
 do Gazette.
 Sheboygan Journal.
 do Evergreen City Times.
 do Nieuwsbode.

WEEKLIES—*continued.*

Manitowoc Tribune.
 do Herald.
 do Democrat.
 Fond du Lac Union.
 do Herald.
 Madison Weekly Argus.
 do Journal.
 do Patriot.
 La Crosse Republican.
 do National Democrat.
 Monroe Sentinel.
 Platteville American.
 Prescott Transcript.
 Portage City Badger State.
 Watertown Democrat.
 Beaver Dam Republican.
 Horicon Argus.
 Oshkosh Courier.
 Menasha Advocate.
 Appleton Crescent.
 Green Bay Advocate.
 Mineral Point Tribune.
 Columbus Republican Journal.
 Ozaukee Advertiser.
 Newport Wisconsin Mirror.
 Richland County Observer.
 La Fayette County Herald.
 Mineral Point Democrat, file kept at the office.
 Stevens Point Pinery, do
 West Bend Organ, do
 Hudson North Star, do
 Lancaster Herald, do
 Oshkosh Democrat, do
 Madison Staats Zeitung, do

WEEKLIES—*continued.*

Chicago Democratic Press.

do Christian Times.

Kentucky Commonwealth.

Athens, Tennessee, Post.

Philadelphia New Church Herald.

New York Criterion—literary.

do Publishers' Circular.

do Weekly Mirror.

do Weekly Tribune, preserved by secretary.

do Home Mission Record, (monthly) do

Philadelphia Christian Chronicle. do

Total, 78 periodicals—of which 59 are Wisconsin publications.

APPENDIX No. 3.

LIBRARIAN'S REPORT ON THE PICTURE GALLERY.

As the statistical details relative to the increase of the library proper during the past year, are more appropriately embodied in the report of the Executive Committee, the librarian begs to submit the following report on the rise and progress of the PICTURE GALLERY, together with some remarks on the merits of the several pictures, and their respective artists :

The design of the Historical Society is to preserve all mementoes of the past that yet remain to us, buried though they may be underneath the dust and rubbish of ages ; records of the Aboriginal inhabitants of the country, as well those which have forever passed away, leaving behind them only apocryphal mounds, to puzzle the learned antiquary, as those who yet mingle among us. But we must not lose sight of the great fact, that the present will soon be past, and the incidents that we hardly notice to-day, will ere long form a portion of our history ; and the knowledge that we now scarcely think worth retaining will one day be earnestly and laboriously sought after by the curious antiquarian.

History, proper, is a record of deeds, but a valuable aid, and a choice relic of the past, are true and reliable portraits of those whose acts formed the history of their day. Deeds will live in tradition or in the more lasting forms of books and writings, but the form and features are doomed to a more ephemeral existence. Consequently, a great part of the labor of an Historical Society, in the realm of the present, is to secure reliable portraits of those who

figure prominently in our State; and as some may imagine, that the Society have exceeded the limits of a proper discretion in laying so much stress upon this subject, we will give a brief outline of the plan proposed to be carried out by the Society.

I. To secure the portraits of all the Governors of Wisconsin. Fortunately all are yet living, and after the lapse of centuries, when all those noble forms shall have mingled with their kindred dust, with what feelings of pride will the inhabitants of our State point to this list of portraits, sketched by master hands, of those whom their ancestors delighted to honor!

II. To secure the portraits of the Judges of our Supreme Court.

III. To secure portraits of noted Indian Chiefs and early settlers. In this department we are peculiarly fortunate, as from the master pencil of SULLY, we have those of BLACK HAWK, his SON, and the PROPHET, which we will notice more at length hereafter; and of our Wisconsin pioneers, we have made a noble commencement.

IV. To secure the portraits of our Senators and Representatives in Congress. All are yet living, except Mr. EASTMAN.

V. To obtain portraits of some of the illustrious historic men of our common country.

It will be seen that this plan is extensive, too extensive to be properly carried out, with the limited means at the disposal of the Society; and were it not for a private liberality and hearty co-operation of lovers of art, and of artists, it could hardly be attempted.

Of the Governors of the State, but one portrait, that of Governor BARSTOW, is yet in the Gallery, and this is a striking and effective likeness, painted by S. M. BROOKES. Gen. LEWIS CASS, who was Governor while Wisconsin formed a part of Michigan Territory, Governors DODGE, TALLMADGE, DEWEY and FARWELL have promised theirs, which will shortly adorn our walls.

Of the Supreme Court Judges only that of Hon. A. D. SMITH is as yet received. This portrait, executed by S. M. BROOKES, of Milwaukee, is a strikingly accurate one, and is remarkably correct in preserving the expression—an excellence which we can almost call a peculiarity of the celebrated artist.

The preservation of the likenesses of early Indian Chiefs is too often overlooked, and we suffer the consequences. Still we are fortunate in having striking portraits of BLACK HAWK, and the leaders of his band, who were at one time the terror of the whites of the North West. The original portrait of BLACK HAWK, of which this is an improved copy, was painted by SULLY at Fortress Monroe, Old Point Comfort, Virginia, while Black Hawk was a U. S. prisoner, and strikingly depicts the sad and mournful expression of a captive chief, struggling to subdue his feelings, and repress the sad emotion of a vanquished chieftain. There is a dignity in his look, an expression half concealed by the cloud of sadness that shades his brow, that marks him as a man of character and of true greatness. He is clad in the English dress, and one in gazing upon his portrait might well imagine him a Roman, looking mournfully upon his degenerate country. There is less of the features and expression which we are wont to associate with the Indian name and character, than we usually find. Of the truth of the likeness we have many living witnesses now among us, all of whom agree as to its exact and striking correctness.

Black Hawk's son, NA-SHE-A-KUSK, never bore a conspicuous part in the early history of our State, and is chiefly interesting from his association with the more noted chief, his father, whose fortunes he followed during the war of 1832, and whose captivity he shared. The portrait was painted under the same circumstances as the former; only this is an original, never copied, as is also that of the PROPHET, who accompanied Black Hawk, taken at the same time. The PROPHET's is a striking portrait. The very muscles of the face seem to relax and tighten with all the malicious passions, of which

man in his most degraded state is capable. The dark depths of a fiendish soul, with all its hellish thoughts of torture and revenge seem inscribed in every feature of that forbidding countenance. The drapery of the figure is bad, but the head is perfect. The low forehead, the matted hair, the deep-set eyes, the heavy jaws, and the sensuous mouth, all betray the most accomplished villain; and such his character is well known to have been.*

From this dark picture we turn to the light, graceful, and beautiful portrait of POCAHONTAS, the well known Indian Princess of Virginia, whose history and early death are familiar to every one. Soon after, her marriage with ROLFE she sailed for England, where her beauty and queenly behavior attracted universal attention. A portrait of her was there painted, which subsequently passed into the hands of the family of his brother in England. In process of time this old portrait was brought to Virginia; and, in a state almost crumbling to ruins, it was copied by SULLY, and from this was made the copy in our possession, although the artist in bad taste, as we think, embellished it with a wreath of flowers in her hair, and substituted the simple drapery of an Indian maiden, in place of the antique dress of the time of JAMES I. The embellishment gives to the picture an air of ideality, and we are apt to consider the portrait as a fancy sketch, while it is, as will be seen from the following testimonials, a genuine and truthful portrait of this celebrated princess:

Statement of RICHARD RANDOLPH, of Virginia, April 1st, 1842:

“POCAHONTAS and Mr. ROLFE, her husband, arrived at Plymouth on the 12th June, 1616. Their portraits were taken whilst in

* The following notice of the PROPHEET was written in 1832, by the late Maj. THOMAS FORSYTH, who had previously for many years been an Indian trader, and until 1830, the Indian agent of the Sauks and Foxes; and gives us a more favorable view of his character; Yet truth extorts the remark, that he has had the reputation of being chiefly instrumental in leading his deluded followers, against the wishes of BLACK HAWK, into the unfortunate outbreak of 1832. Maj. FORSYTH'S testimony is taken from that excellent and charming work, MRS. KINZIE'S *Wau-Bun, or the 'Early Day' in the North-West*: “Many a good meal has the *Prophet* given to people travelling past his village, and very many stray horses has he recovered from the Indians, and restored to their rightful owners, without asking any recompense whatever.”

England, where their son Thomas was born. POCAHONTAS died at Gravesend in the early part of the year 1617 ; her husband returned to Virginia, leaving his son to the care of Mr. HENRY ROLFE, his brother.

"THOMAS ROLFE returned to Virginia, and there married, and died, leaving an only child, Jane, who married Col. ROBERT BOLLING, and died, leaving an only child, JOHN BOLLING, whose daughter JANE, married RICHARD RANDOLPH, of Curles, in the county of Henrico, Virginia. Their son RYLAND, who owned and resided on the patrimonial estate, after receiving his education in England, was informed that the portraits of POCAHONTAS and ROLFE, were in possession of a gentleman in England, whose name is now forgotten.

"He wrote to his friend in England, to endeavor to purchase them for him ; when the gentleman was applied to, and informed that Mr. RANDOLPH was a descendant of POCAHONTAS and ROLFE, he presented the portraits to Mr. RANDOLPH, whose friend sent them to Virginia, where they arrived safely, and were hung up in Mr. Randolph's mansion, at Turkey Island.

"Mr. RANDOLPH died in 1784. Soon after his death, his estate was publicly sold, and these portraits were purchased by Mr. THOMAS BOLLING, of Cobbs, in the county of Chesterfield, at twenty shillings each, that being the appraised value ; owing to the following agreement : Mr. THOMAS BOLLING, and four other descendants of POCAHONTAS, were each anxious to purchase the pictures, and a proposition was made to decide by lot which of the five should have them, and Mr. BOLLING, being the nearest, was permitted to purchase them without opposition.

"This statement was made to me by my father, DAVID MEADE RANDOLPH, who was the executor of RYLAND RANDOLPH, and sold the pictures. The inventory and account of sales may be seen in the office of the county court of Henrico."

Statement of D. M. RANDOLPH, of Yorktown, September, 1830, addressed to R. M. SULLY :

"About the year 1788-9, I resided at Presque Isle, one mile from Bermuda Hundred. Occasionally interchanging visits of hospitality with the masters of yessels while in that part, it was my good fortune to become intimate with a Captain JOSEPH WATSON, of the brig Jane, of Washington. This Captain WATSON brought Mr. RANDOLPH a parcel of books. These books were accompanied with a long letter from JONAH WHEELER, of the respectable commercial house of GERARD, PRESTON, WINDER and WHEELER, then existing in Liverpool. The books were presented by Mr. Wheeler, from his having understood my character as a farmer, and my name as a descendant of POCAHONTAS.

"Mr. WHEELER stated that he had 'heard his mother relate the circumstances of a Mr. RANDOLPH or BOLLING, having in their day been over to England and going down into Warwickshire, one hundred and fifty miles from London, in pursuit of the portraits of Mr. ROLFE and POCAHONTAS;' the gentleman, he said, offered a large price for the pictures, but the family who had them, themselves not descendants from POCAHONTAS, but from ROLFE, disdain- ing a premium, generously gave the same to RYLAND RANDOLPH, who satisfied them of his better pretension to so valuable a possession. I retain a perfect recollection of their being brought over from England by my uncle, their appearance at Turkey Island, and lastly their sale, by myself, acting as clerk to my father, the administrator, in the month of March, 1784. Our estimable fellow-citizen, LA FAYETTE, was he now among us, would, I believe, identify the pictures and confirm their history, from the fact of his intimacy with RYLAND RANDOLPH, whose house served for his head-quarters a considerable time in the memorable campaign of 1781."

Statement of Mrs. ANNE ROBINSON, of Virginia :

"From my earliest recollection I have been accustomed to see the picture copied by Mr. SULLY, in the house of my grandfather, Mr. T. BOLLING, of Cobbs ; it was always shown as the portrait of POCAHONTAS. Mr. T. BOLLING was the representative of POWHAT-

TAN; my grandmother, Mrs. BETTY BOLLING, equally distinct from POCAHONTAS; neither entertained a doubt that the picture in question was a portrait of POCAHONTAS. My father, also a descendant of POCAHONTAS, was well acquainted with the history of the picture."

Statement of Dr. THOMAS ROBINSON, Petersburg, Va., August 20th, 1843:

"The Indian picture copied by Mr. SULLY, the original of which is now in my possession, was shown to me at Cobbs, some seventeen or eighteen years ago, by Mr. BOLLING, as the portrait of POCAHONTAS; Mrs. B., then proprietor of the portrait, was herself a descendant of POCAHONTAS, and widow of the representative of POWHATTAN. A slight inspection of the costume, satisfied me that this was the only portrait of a female, painted in the reign of JAMES I., among the family pictures.

"With very great pleasure I bear testimony to the rigid fidelity, with which Mr. SULLY has copied this very interesting portrait, notwithstanding the temptation to certain alterations in conformity with the romantic spirit of the history of the individual whom it represents, by which the effect might have been increased, without impairing the likeness. From every thing of this kind Mr. SULLY has, with great propriety, abstained, while the likeness, costume and attitude have been presented with great exactness.

"The original is crumbling so rapidly that it may be considered as having already passed out of existence."

Statement of W. F. SIMPSON, of Va., Aug. 13, 1830:

"DEAR SULLY:—You requested me a few days ago to call and see the portrait of POCAHONTAS you have lately been busy upon, from the one which you borrowed from the descendants at Cobbs. I did so last evening while you were from home, and feel much pleasure in bearing testimony to the style in which you have executed your trust, a task so difficult from the mutilated state of the original picture, that I really thought it almost impossible for you

to succeed as completely as you have done. It is faithful to a letter, perhaps more so than is *politic*, since had you made some little alteration in her ladyship's position, and dressed her rather more in accordance with the taste of this after age, I have no doubt the picture would tell better with the majority of those who may hereafter see it. I of course think you quite right in sticking as rigidly to the 'better of the law' as you have done."

Additional statements could be adduced, but we think these will be deemed amply sufficient upon which to rest the genuineness of the original picture, as well as the first copy taken by SULLY. He employed great labor in attaching the mutilated and decaying parts together, so as to bring the whole within his power, and at length happily succeeded. When SULLY proposed to execute a new copy of POCAHONTAS for our Society, and another for the Virginia Historical Society, his own deep reverence and admiration for the memory, virtues and *portrait* of the lovely Forest Princess, led him while anxiously desiring to preserve a faithful copy of her features, to wish to change the full facial front, to the three-quarter view, and substituting for the absurd costume of the time of JAMES THE FIRST, the more appropriate Indian dress of that period. Sully thought that in this ancient English costume, all Indian association was destroyed, and that the proposed change would give her a much more truthful and characteristic representation. The Virginia Historical Society expressed a wish that Sully would so paint it—thus *Indianizing* the original portrait; and our Society left the matter entirely to the artist's taste and judgment, as the copy he designed for us was to come as a gift.

As SULLY learned from the early Virginia historian Beverly, that it was customary for the Indian maidens on their gala days, to weave wreaths of the fairest wild flowers of the forest, into their hair—and that POCAHONTAS took part in these past-times, he conceived the idea of heightening the effect of the picture by introducing such a wreath encircling her brow, and particularly as he had unquestionable historical authority for it, and himself

lived in the valley of James River, in the native region of the Princess, and could there select from the forest the loveliest flowers for the purpose. Such were Sully's views, sanctioned and approved by the Virginia Historical Society, and acquiesced in by our own; and though we may not all of us fully coincide with them, yet they deserve great respect, and serve to show that the artist did not make the change without some show of reason for it. He accordingly made a selection of forest flowers, and the painting will ever testify with what taste he executed that delicate task.

The Society may well feel proud of possessing such correct likenesses of BLACK HAWK and his companions—of BLACK HAWK's son and the PROPHET none others are known to exist; and we believe there are but two other portraits of POCAHONTAS, in the country, that can lay the least claim to genuineness, and both were copied by Sully. But with the feeling of pride in the possession of these treasures, comes an emotion of sadness as we remember the melancholy fate of the talented artist whose gift, in part, they were.

By THOS. SULLY, we have a fine copy of GILBERT STUART's celebrated portrait of WASHINGTON. It stands out nobly from the canvass, and impresses every beholder with a feeling of awe and admiration. By EDWARDS, formerly of Cincinnati, now of Louisville, we have two fine portraits—one an original of Dr. WM. BYRD POWELL, the other a copy of JARVIS' portrait of Gen. GEO. ROGERS CLARK, *the Washington of the West*. CLARK did for the great Ohio Valley what WASHINGTON did for the Atlantic States; his life and exploits we hope soon to see rescued from oblivion by the Corresponding Secretary of our Society, who possesses all his old papers and other ample materials for such a work. Dr. POWELL, of Kentucky, as his noble head would indicate, is a man of originality of mind, and has written much and well upon medical and scientific subjects.

From the pencil of ROBT. M. SULLY, in addition to the four before mentioned, we have an excellent portrait of CHIEF JUSTICE

MARSHALL, so eminent as a soldier, statesman, jurist and historian. While this was his last, it is by far the best of the Sully portraits, in its artistic finish—and he himself so considered it.

The portrait of DE WITT CLINTON which we possess, is one which adorned the Governor's own library, which fact is a sufficient guarantee of its correctness. By whom it was painted is a matter of some doubt, though the weight of evidence points to Catlin as the artist; if so, this must have been during his earliest efforts. It is said to have been painted while Clinton was Mayor of New York, and this is rendered almost certain by the dress which apparently belongs to the costume of that period. None of the CLINTON family can give any positive testimony concerning its origin; but we know it is an original, as we obtained it from an aged retired bookseller of Albany, who purchased it at the sale of Gov. Clinton's library, immediately after his death in 1828.

Of our Congressmen, although many are promised, as yet only that of Ex Senator I. P. WALKER is received. It is a good portrait, and was painted at Milwaukee by WM. J. HEAD, of St. Louis, in 1852, and presented to the Society by G. P. DELAPLAINE.

Our list of portraits of old pioneers is quite full, and bespeaks well for the future. The following are by S. M. BROOKES, of Milwaukee: BYRON KILBOURN and ALANSON SWEET, among the first settlers of Milwaukee; I. A. LAPHAM, an early settler, well known by his writings, illustrating the natural history and antiquities of our state; WM. R. SMITH, the President of our Society, and historiographer of the State, author of the Documentary History of the State, two volumes of which are published; Col. EBENEZER CHILDS, of La Crosse, one of the first American settlers of Green Bay; EBENEZER BRIGHAM, one of the pioneers of the lead region, who was engaged in the Indian difficulties from 1828 to 1832; SIMEON MILLS, who was one of the three first settlers of Madison; SOLOMON JUNEAU, an early American trader at Milwaukee, before there were any settlements in the State, except at Green Bay and Prairie du Chien, and who was chosen the first Mayor of Mil-

waukee: and HENRY S. BAIRD, of Green Bay, one of the first American settlers there, and the first practising lawyer in Wisconsin.

Besides these, we have a fine *View on the Hudson*, from the pencil of JASPER F. CROPSEY, the well-known landscape artist of New York. The view is looking down the Hudson, with the Highlands in the distance; and the effect is that of the sun about an hour or two high of a warm, hazy, summer afternoon. It is a picturesque scene well worthy of the artist in both the study and execution. This is the twenty-second picture in the catalogue.

This feature of the Society—the PICTURE GALLERY, is alone well worth the attention of the public. For although the library, as another department, may be ever of more lasting interest, the Gallery of portraits cannot fail to attract a large share of attention from those who have little time for more lengthy examinations of books and references, and bespeaks well for the liberality and public spirit of our citizens, and promises well for the future prospects of the Society when its aims shall be more generally understood, and public attention more particularly attracted to it by its merits and success.

The Society may well pride itself upon the possession of such a list of portraits already furnished, and we hope it may have the effect to incite more of the old pioneers to furnish theirs. If the forty-seven persons who have so generously promised the Society their portraits, are not forgetful of their pledges, the *Picture Gallery* must speedily become the pride and admiration of Wisconsin.

We shall close this report, by a brief reference to the several artists by whose skill and genius our Gallery enterprise has received so much encouragement and fostering care.

The first to tender our Society a production of his pencil, was the veteran THOMAS SULLY, who was born in Lincolnshire, England, June, 1783, and, at the age of nine, came with his parents, who were comedians, to the United States. At the age of twelve, he was placed in the office of an insurance-broker in Charleston,

but his artistic inclination rendered his services of little avail to his employer, who advised his father to make an artist of him. This advice was followed, and young Sully studied for some time with his brother-in-law in Charleston, and subsequently with his brother, a miniature painter, at Richmond, Va. Having made creditable progress in oil painting, about 1803 he commenced the world for himself. For the ensuing six years he was engaged in his profession successively at Norfolk, Richmond, New York and Boston, and met with much success as a portrait painter. In 1809 he settled in Philadelphia, where he has ever since made his home; and the same year he visited England, and during a sojourn of nine months there, he made the acquaintance and enjoyed the friendship of West. During a second visit to England in 1837-'38, he painted a full-length portrait of QUEEN VICTORIA, which is said to be the most faithful likeness of her that has yet been taken. He has painted full lengths of LA FAYETTE and Commodore DECATUR, and a large picture of Washington crossing the Delaware. He still lives, with rigor unabated, the Nestor of American art.

CLEMENT R. EDWARDS was born in Woodston, New Jersey, in 1820, and ten years afterwards his parents removed to Cincinnati, where, in 1837, he was apprenticed to a house and sign painter, and so remained two years, when he yielded to his strong inclination to portrait painting, and opened a studio. He left Cincinnati in 1843, following his profession in New Jersey, Pennsylvania and Maryland; and in 1847, joined the army, and served in the Voltigeur Regiment in the memorable battles of Contreras, Churubusco, Molino del Rey and Chapultepec, and the capture of the city of Mexico. At the termination of the war, he returned to Cincinnati and resumed the practice of his profession, and last year removed to Louisville. His two portraits of Gen. GEORGE ROGERS CLARK and Dr. WM. BYRD POWELL, which he so kindly presented our Society, deservedly fill a conspicuous place in the Gallery.

It is not necessary to speak of R. M. SULLY in this connection, as Mr. DRAPER's remarks upon the occasion of announcing his death to the Society, are as full as could be desired. His fine pictures will remain to tell their own story of the worth and genius of the lamented artist.

SAMUEL M. BROOKES, who for several months has been so busy with his pencil and pallet in the production of faithful pictures for our Gallery, is a native of England; but when a child his parents migrated to America, and in 1833 we find them at Chicago, and subsequently in the region near Waukegan. Possessing an early aptness for drawing, young BROOKES took lessons in oil painting of an artist who tarried a while at Chicago, and soon after opened a studio of his own. He met with encouraging success, considering the newness of the country, the poverty of the people, and the little taste for art then prevalent in the North West. Determined on visiting London and the Continent, he started with only a few dollars in his pocket, spent nearly two years abroad, and returned with more money than when he left, besides several hundred dollars' worth of pictures, the most of which were copies he had made in London. Since his return, he has followed his profession first in Chicago, but for several years past in Milwaukee, and bids fair with his genius and love for the art, to add largely to his own reputation, and do a noble work for our PICTURE GALLERY.

Of the artist CATLIN, we need only say, that since he visited the Mandans and other distant tribes beyond the Mississippi, and made a noble collection of portraits of the Red Men, which he has exhibited in this country and Europe, he has written a work on the Indians, and is now understood to be in the Amazon Valley, in South America, where he is doubtless engaged in making sketches of that wonderful country. We know but little of WM. J. HEAD, save that he is regarded at St. Louis as an artist of much skill and promise. JASPER F. CROSEY has long ranked among the most eminent landscape painters of our country. We should esteem it no small honor to have in our collection one of the pro-

ductions from his fine pencil—and it should be regarded as doubly honorable, as it comes to us as a free offering of his appreciation of the worth, enterprise and success of our beloved WISCONSIN HISTORICAL SOCIETY.

S. H. CARPENTER,

Librarian.

MADISON, April 10, 1856.

APPENDIX No. 4.

EULOGIES ON WRIGHT, McLANE AND SULLY.

HON. HIRAM A. WRIGHT.

In Executive Committee, June 5, 1855, Hon. JOHN Y. SMITH in the chair, Hon. J. P. ATWOOD arose and announced the death of Hon. HIRAM A. WRIGHT, as follows :

MR. PRESIDENT :—I arise to announce an event as solemn as such an announcement is unusual, in this hall. For the first time since the organization of this society, the members of the Executive Committee have occasion to mourn the loss of one of their number. A bolt has descended from a clear sky, and the heavens are shrouded in gloom. A chair is vacant, and with heavy hearts we sit amid the sable insignia of death.

The Hon. HIRAM A. WRIGHT, late Superintendent of Public Instruction of the State of Wisconsin, and one of the Curators of this Society, died at Prairie du Chien, on the twenty seventh ult.

This event was as unexpected as the intelligence which is now flying from town to town, and from hamlet to hamlet, is startling and mournful. The shadow of his form lingers about the capitol, and the instruments of his office—the opened book—the unfinished manuscript, lay upon the table where he placed them. Almost imperceptibly we expect on the walks and in public places, that pleasant, yet dignified and courtly salutation, and can hardly believe that we are to receive that greeting no more.

The deceased left us, but a few days since, in feeble health, occasioned, as was then supposed, by constant and arduous labors during the past winter, for the purpose of enjoying a short season

of relaxation and repose, among the recuperating influences of his home, and with the intent of soon resuming the official duties, in the discharge of which he had been actively engaged up to the hour of his departure. But ere we were apprised that his illness denoted impending danger, and before he was scarcely missed, the wire vibrates, and we are told that he is dead.

Mr. WRIGHT left the place where he was reared and educated, in the State of New York, near where lived and died his illustrious namesake and relative, when quite young, to seek his fortune in the adventurous and rising west. He came to this State when its beauties and resources were comparatively unknown, and before it had emerged from its territorial infancy. He early learned the habits, customs and peculiarities of the people, who were then laying the foundations of a State on the frontier of civilization; and that people early conferred upon him the honors and distinctions, which though sometimes tardy, surely come to crown the just and meritorious. He won their confidence—they trusted him—and the highest eulogium that need be passed upon his name is, that he never betrayed that trust.

In the various positions of responsibility and prominence which he occupied, at the Bar, on the Bench, in the Assembly hall, in the Senate chamber, at the head of an important department of the executive government of the State, during the mutations of party and the ebullitions of public opinion, he maintained the confidence reposed in him, and did what he esteemed to be his duty and his right, unswerved by considerations of a temporary policy. He was eminently consistent in all the relations of life, of unquestionable integrity, prudent, considerate, decisive, energetic in action and untiring in the prosecution of his purpose. A firm, inflexible partizan, he was not a demagogue. Though always, from his youth, in public life, he never forgot his responsibilities as a man. Exalted to a seat with the first men in the State, he preserved a modest and unpretending demeanor. These qualities, not always found in public men, were discovered and

appreciated. They made his name a familiar word in every hamlet and cottage. The impress of his character is on the public heart, and *there is his cenotaph*, and there it will remain more eloquent and enduring than the chiseled column.

Judge WRIGHT was still young. Thirty summers had not yet strewn flowers in his pathway—thirty winters had not yet come to chill the life blood in his heart. He had but just entered upon the broad field of manly aspirations and exertions, and was prepared by age and experience, for a life of enviable distinction and usefulness. Competency, honor, station, a cultivated head, a noble heart—the enjoyment of domestic felicity, all seemed combined to make his future fair and auspicious; but he fell, “with all his blushing honors thick upon him,” ere the early days of manhood had lost one ray of brightness.

The reflections suggested by this dispensation of Providence, are a sad and truthful commentary upon the uncertainties of life—on the frailty of all earthly hopes and enjoyments.

In this connection I cannot refrain from remarking, that it was my fortune to be associated with him, a short time, in the private walks of life, and that it was there, amid the kindly influences which hallow and bless the domestic altar, that I learned to love the man. Of the ten persons, including children, comprising the families of Judge WRIGHT, then a member of the Senate—Hon. CHAS. D. ROBINSON, then Secretary of State, Doct. LADD, then Superintendent of Public Instruction, and myself, who sat around the same board, during the winter of 1852, but three remain. The wisest, the purest, the loveliest have left us, and lent the light of their character and their smiles to illumine another sphere.

Our grief is assuaged by the reflection, that the last moments of our friend were spent where he most loved to live—in the bosom of his family—in the quiet seclusion of his home. The amiable and accomplished lady, whose life destinies were linked with his by ties which now bind her to the spirit world—smoothed with her own gentle hand the pillow of the dying man, and closed his eyes

in that sleep which knows no earthly waking. I would not intrude, with words of condolence, upon the sacred reverie of that widow—weeping with her orphaned child, at the fountain where the silver cord has been loosed, and the golden bowl been broken. Her sorrow is too holy for the ministration of human consolation. All that we could say is but the suggestion of every mind. She will seek and obtain from another source that purer illumination, of which human reason is but the reflection.

We mourn not as for one who leaves no bright mark behind him. We will cherish his memory, and feel that we shall grow better by a contrast of our lives with his own.

His race has terminated; his mission on earth is ended; his cup of fortune has over-run. On the eastern bank of the Mississippi, his ashes repose, but his spirit—free as the wind that swept around his river home, and now sings a midnight requiem o'er his urn—still lives and moves among us. Truly the form may moulder to its native dust—but for the memory of the just and good there is no grave.

Mr. President, I offer the following resolution:

Resolved, That a committee of three be appointed by the chair to report to this meeting resolutions expressive of the sense of the Executive Committee of the State Historical Society upon the death of Hon. HIRAM A. WRIGHT.

It was moved by S. H. CARPENTER, and seconded by L. C. DRAPER, that Judge ATWOOD be requested to furnish a copy of his address to be filed among the papers of the Society. Carried.

Messrs. E. A. CALKINS, J. P. ATWOOD and J. T. CLARK, were appointed the committee on resolutions, who, through their chairman, reported the following:

Resolved, That we have heard with feelings of the deepest regret, of the recent death of the Hon. HIRAM A. WRIGHT, State Superintendent of Public Instruction of Wisconsin, and a member of the Executive Committee of the State Historical Society.

Resolved, That, in the death of Judge WRIGHT, the community has lost an honored and useful member, his friends an ornament to their circle, his family a devoted husband and father, the State a faithful and efficient officer, and this Society a worthy coadjutor.

Resolved, That, in respect for the memory of Judge WRIGHT, this meeting do adjourn for one week, and that a copy of these proceedings, properly attested, be transmitted to the family of the lamented deceased.

In presenting these resolutions, Mr. CALKINS said :

MR. PRESIDENT:—The duty which I have discharged in offering for consideration these resolutions, is rather to me a sad and sacred pleasure. It is a tribute due to the memory of my lamented friend, a respectable member of my own profession, a man whom I loved and honored. I can add little to the generous and eloquent fervor of the eulogy already rendered to the deceased—it expresses the emotions of us all at the melancholy event which it commemorates.

The death of Judge WRIGHT was unexpected, though in no form does death appear, and not strike a thrill to the hearts of the living. It reminds us how frail we are, how feeble and fleeting is the hold we have upon life, how closely the pathway which we travel lies to the borders of the tomb. But death came to him whose respected memory we here honor, as it comes to few. It came to him when the spring was opening upon the pomps and glories of summer, like the cloud that veils a morning sun, or the blight that settles on a bursting flower. He was in the earliest prime of a successful life, in the possession of a comfortable competence, enjoying the ends of a manly ambition, popular favor, and the esteem of troops of friends. I hardly know of one whose death could sunder more or dearer ties, one who could leave so much behind him, and a path lighted by a fairer radiance.

A more modest, unassuming man; a finer and a truer gentle-

man, in the essential qualities that made him such; a better and a nobler friend, I never knew. But he is dead. So true it is,

“—— The good die first;
While those whose hearts are dry as summer dust,
Burn to the socket.”

But death comes to us all. It is the catastrophe which makes life a tragedy, shrouding its close in gloom and bedewing it with tears. Yet it makes the meanest of us sacred; it installs the humblest in human respect; it lends to vice even a shield that protects it from insult, while it doubly canonizes social and public virtue.

I can but add the invocation, green be the grave of the lamented dead, as his memory will be in the hearts of those that loved him.

The resolutions were unanimously adopted.*

HON. GEORGE R. McLANE.

In Executive Committee, Sept. 4th, 1855, S. H. CARPENTER, Esq., in the chair, Dr. JOHN W. HUNT arose and announced the death of Hon. GEORGE R. McLANE, of Delafield, Waukesha county, as follows:

MR. PRESIDENT:—Again we have to record and deplore the decease of another of our most valuable and estimable associates. Since our last meeting, the hand of death has been laid upon our Vice President McLANE, who closed his earthly career at his residence, Readland, in Waukesha county, at noon on Thursday, the 16th day of August last.

* Judge WRIGHT was a native of St. Lawrence County, N. Y., and settled at Prairie du Chien in 1846, and took part in the publication of the *Prairie du Chien Patriot*, the pioneer paper of that place, and continued that connection till its discontinuance in 1852. In 1850, he was elected a member of the State Senate, and served two years, and then, in 1852, was chosen to a seat in the Assembly. He held at different times the position of County Judge, and several minor offices of Crawford County, and in the fall of 1853, was elected State Superintendent of Public Instruction. “It was our fortune,” said the *Kenosha Tribune and Telegraph*, “to be quite well acquainted with him, and we say in the spirit of severe truth rather than that of customary eulogy, that few men exhibited more virtues and fewer faults than he did.” At the time of his death he lacked a little of thirty years of age.

GEORGE READ McLANE was a native of Delaware, born at Wilmington, on the 20th of December, 1819. He was descended through both parents from some of the earliest and most honorable stock in that State. His paternal grandfather, Colonel ALLEN McLANE, was a most gallant and distinguished officer of the Revolution—a most intrepid leader of a legion of cavalry, under the immediate command of WASHINGTON; and his maternal great grand father, GEORGE READ, was one of the illustrious signers of the Declaration of Independence. His father, the late Dr. ALLEN McLANE, was an eminent physician and distinguished gentleman in Wilmington.

At an early age, GEORGE became a pupil at Newark Academy, in that State, to which resorted, for a period of nearly seventy years, many of the youth of the peninsula, composed of Delaware and the Eastern shore counties of Maryland and Virginia. In due time he was admitted to the Freshman class in Delaware College, in the village of Newark, and continued a student of that institution until the second term of the Sophomore year. The profession of Civil Engineering was at that time attracting to its ranks many young men of the older States, and young McLANE entered it at about the age of 17, under the instruction of ISAAO TRIMBLE, a distinguished engineer, then in charge of the Baltimore and Susquehanna Railroad. Remaining in the service nearly two years, he became satisfied that his right place was in the profession of which his father had so long been an ornament in his native State.

Under the instruction of his accomplished parent, he went through the regular course of study, and after graduating with credit in the Medical department of Pennsylvania University, availed himself of the advantages afforded in the city of Philadelphia, for the reputation which he afterwards acquired as a practitioner in his native place. Several years were spent by him in the active pursuit of his profession, in partnership with his father, until the decease of the latter, and a large and lucrative practice rewarded his industry and merit.

Like all men accomplished in their calling, Dr. McLANE loved his own ; but he found the duties of his honorable but arduous profession too severe for his delicate constitution ; and with a view of finding a more healthful field of labor, he first visited Wisconsin, in the autumn of 1847, and removed to this State in the fall of 1848. He went immediately into the occupation of his beautiful farm of Readland, on Pine Lake, Waukesha county, where he resided for the remainder of his life, and where he died. Few could receive so much inspiration from the calm moral beauties of nature ; and in this lovely spot, amidst its quiet duties, his gentle, refined and cultivated character made his home a paradise to himself and family. But he was too young, and gifted with talents of too high an order, to remain wholly content in rural privacy. The quiet duties of his farm and his household were insufficient to satisfy his mind and to develop his capacities, and loving them none the less, his generous ambition craved farther and larger duties in life. And when, in the fall of '52, his friends pressed upon him the position of State Senator from his district, he accepted the trust, and was elected to that honorable and responsible office. He remained in the Senate for two years, discharging every duty industriously, intelligently and faithfully.

The office was not one to give full scope to his peculiar powers ; but he always brought to its discharge more than ordinary ability. He was one of those who honor station, rather than are honored by it ; but in this position his admirable talents, attainments and character became more extensively known and more justly appreciated. It falls to the lot of but few men in public life to win for themselves such universal and cordial respect and affection as Dr. McLANE did in the Senate.

Retiring from that position in 1854, an appointment was tendered to him, far more congenial to his tastes and acquirements. The State had been, as it still is, without any provision for the insane. The Legislature having taken preliminary measures for the establishment of an Insane Asylum, the Governor appointed Dr. McLANE to the position of Superintendent. A happier selec-

tion could not have been made. The high general cultivation, the eminent medical attainments, and great benevolence of our lamented associate, peculiarly fitted him for the place.

The friends of GEO. R. McLANE will long remember with admiration the generous ardor with which he devoted his whole mind to his new duties, and the comprehensive and intelligent benignity of character with which he mastered the charitable science which modern skill has brought to the cure of that most pitiable and helpless class of human unfortunates, the insane. It was to his fine nature a labor of noble-hearted love. It was amongst his duties to perfect a plan for the institution. In the highest heat of summer he proceeded to the eastern States, visited the best institutions of the kind, and consulted the most eminent men skilled in the cure of the insane. By them he was cordially recognized and appreciated as a brother in human science. He brought back, as the result of his investigations, a plan differing in some respects from any yet in use, and believed by many eminent physicians, of large experience in such institutions, to be the best ever devised for the purpose. In all the controversy which followed, no fault was ever found with the admirable adaptation of the plan to the object, and no imputation was ever cast upon the benevolent ability which matured it.

The succeeding Legislature abandoned the undertaking. But it is earnestly believed that Dr. McLANE's labors have not been in vain; and that in due time hereafter an institution will arise, upon the model he devised, which will be an honor to the State and a monument to him.

This was Dr. McLANE's last active employment. His strength was not equal to his duties and trials. He suffered severely during the summer journey, and never after wholly recovered his health. Upon the termination of his duties, he returned home an invalid, and his disease soon assumed an alarming character. He himself, from the beginning, foresaw its fatal termination, and never suffered himself to hope for recovery.

He set himself to put his house in order, and to provide for his beloved family after he should be gone. For over four months he endured a painful and distressing disease with singular patience and resignation. Always foreseeing his own speedy death, he calmly awaited it in the noble gentleness of his disposition, cheered by the intense affection of his home, sustained by the consciousness of a just life, and consoled by the undying hope of a Christian. And so he died.

Dr. McLANE was a gentleman of rare talents, of refined taste, and extensive acquirements. In his profession he was learned and able. He was a good scholar in several languages, and an accomplished one in his own. The real literature of our language, too rarely studied in our day, was familiar to his cultivated mind. He was no mean scholar in the common law, and had acquired much and varied scientific knowledge. But high as were his talents and his acquirements, it was by his singularly noble disposition he was most distinguished. Peculiarly unpretending and inobtrusive, to be truly known, he must have been intimately known. His fine nature was too sensitive for the trials, and too high for the appreciation of common life. In him happily blended the strength of his own sex and the gentleness of the other. He united the unflinching firmness of upright manhood to the unselfish devotion, the fervent affection, the fine sensibility of woman's nature. Brave, upright, loyal, generous, gentle to all, he lavished on those he loved a devoted enthusiasm of affection, rarely to be met with in man, and in return he was beloved in life, and is mourned in death as such a man only can be loved and mourned.

In our Society, Mr. President, GEORGE R. McLANE was active whenever opportunity was presented, and he felt a deep interest in its success. Our kindest memories are due to his worth as a public man, and his many noble qualities as exhibited in the common relations of life.

He has left his place of honor and usefulness among us in the prime of early manhood. He lived the life and died the death of

an unsullied, noble Christian gentleman. All our memories of him are gentle and reverential; gentle and full of hope is the sorrow, acute as it is, of those whom no time can console, no fortune can compensate for his loss.

MESSRS. DRAPER, DURRIE and CONOVER were appointed a committee on resolutions, who, through their chairman, reported the following:

“Resolved, That in the death of Hon. GEO. R. McLANE, we have to lament the loss of an intelligent and sympathising coadjutor, and the State one of her most worthy and public-spirited citizens, who, by his talents, usefulness and gentlemanly deportment, endeared himself to all with whom he associated.

“Resolved, That in respect to the memory of Dr. McLANE, this meeting adjourn for one week, and that a copy of these proceedings be transmitted to his family, with the expression of our sincere condolence.”

After appropriate remarks by Messrs. DRAPER, DURRIE and CARPENTER, as to the worth and talents of Dr. McLANE, and the great loss the Society has sustained in his death, the resolutions were adopted.

It was voted that Dr. HUNT be requested to furnish a copy of his address to be filed in the archives of the Society.

ROBERT M. SULLY.

In Executive Committee, Dec. 18th, 1855, E. A. CALKINS, Esq. in the chair, LYMAN C. DRAPER arose, and announced the death of ROBERT M. SULLY, as follows:

MR. PRESIDENT:—Once and again have we met, within a few brief months, to pay a merited tribute of respect to departed worth. In May last, Hon. HIRAM A. WRIGHT, a fellow member of the Executive Committee of this Society, was summoned away; and, in August, Hon. GEORGE R. McLANE, one of our Vice Pres-

idents, followed him to that "bourne whence no traveller returns." Both had evinced a lively interest in the prosperity of our Society, and we all felt, and still feel, that in their death, we were bereft of true hearted co-workers in the particular field of labor and research for which this association was especially formed.

And now, in such quick succession, we are called upon to mourn the departure of another devoted friend of our Society—ROBERT M. SULLY, one of its honorary members, and one of its most generous benefactors. The peculiar relation which he bore to this Society, calls for some appropriate notice of his professional career, and of his worth as a man. But such a rehearsal carries with it a melancholy reflection, for it will naturally serve to enhance the sense we all feel of the uncommon loss our Society has sustained by his sudden and untimely death.

Mr. SULLY was born at Petersburg, Virginia, July 17th, 1803. His father, who was a native of England, was by profession an actor, and was for many years attached to the Charleston theatre. Between his ninth and tenth years, and not long after his father's death, young SULLY evinced an extreme fondness for drawing, which was increased, if not originally excited, by the sight of some excellent drawings made by his father, who, when a youth, had received some instruction from NAYSMITH, a celebrated landscape painter of Edinburg. This early partiality for drawing steadily grew upon him, and when about sixteen or seventeen, he fully determined on becoming a painter, despite the many difficulties and privations attending the profession, which were carefully pointed out to him by his friends. In his eighteenth year, he visited Philadelphia for the purpose of placing himself under the instructions of his distinguished uncle, THOMAS SULLY. His zeal, which had hitherto been wasted in ill directed efforts, was now, for the first time, applied to a proper course of study. As he was enthusiastic, and labored with great assiduity, he made rapid advancement in the art. He ever remembered, with sincere gratitude, his uncle's kindness and instructions.

Having remained with his uncle eight or nine months, he returned to Virginia, and commenced the practice of his profession. He soon found the ancient saying but too true in his case, that a prophet is not without honor, save in his own country ; and so the poor artist was left to obtain, as best he could, a precarious support in Richmond, the capital of the Old Dominion. One friend however, Mr. J. H. STROBIA, patronized and encouraged him. But even at that day, SULLY's proud spirit despised the canting term of patron as generally used, as much as he did the artist, who could descend to apply it to those who, after all, give him merely the value of his honest services.

The letters of his uncle, THOMAS SULLY, at this period were very encouraging, and strongly advised him to visit London as soon as possible. Naturally proud of his chosen profession, he cherished an ardent desire to comply with his uncle's wishes and advice, and improve his taste and skill by studying the works of the great English masters. To aid in this purpose, he visited several towns in North Carolina, where he met with encouraging success. He sailed for London on the first of August, 1824, where he arrived the 23d of the following month.

Now thrown into the vortex of art, it was some little time before he could sufficiently recover from the fascinating excitement produced by the change, to commence a regular course of study. Of the then living English artists, Sir THOMAS LAWRENCE became his first idol, but after remaining sometime in London, and carefully studying the works of Sir JOSHUA REYNOLDS, his admiration for the former somewhat abated. The portraits of LAWRENCE are said to be striking likenesses, and display a bold and free pencil ; but they are, particularly his later ones, chargeable with mannerism, and are not considered to be successful in expressing the nicer shades of character, while his drawing evinced a want of accuracy and finish. Nothing so delighted SULLY as the pictures of REYNOLDS, and no wonder, for they were master pieces of art. REYNOLDS rejected the stiff, unvaried and unmeaning attitudes of

former artists, and imparted to his pictures 'the air and action adapted to their characters, and thereby displayed something of the dignity and invention of history. He has seldom been excelled in the ease and elegance of his faces, and in the beauty and adaptation of the habiliments of his figures ; and his coloring combined, in a high degree, the qualities of richness, brilliancy and freshness. These were the excellencies of REYNOLDS' productions that so strongly attracted the attention, and extorted the admiration of the young American artist. And frequently, as some fine engraving from his works would catch SULLY's eye, would he reconcile himself to the loss of his dinner, and spend his last shilling to possess it.

SULLY thought JACKSON, who then ranked as the second portrait painter of England, surpassed LAWRENCE in color. There was a fine rich tone to his pictures not unlike REYNOLDS, but he wanted the grace and elegance of LAWRENCE. In their peculiar walk, SULLY found none equal to LESLIE and NEWTON ; but in the higher ranks of history, he concluded that HAYDON, GERRY and HILTON were inferior to our own WASHINGTON ALLSTON, judging from his exquisite production of *Jacob's Dream*, then on exhibition at the British Gallery.

During the course of his second year in London, SULLY painted a portrait of Mr. C. B. LOE, the Secretary of the British Institution. It was shown to that veteran in art, JAMES NORTHCOTE, a pupil of REYNOLDS ; it gained his approbation, although qualified by a very judicious criticism, which ended with his sending SULLY an excellent picture by REYNOLDS to copy, from which he derived much improvement. He also painted a portrait of NORTHCOTE, then eighty years of age, which gained him great credit in London, and was much praised by connoisseurs and artists. From NORTHCOTE he derived much useful information respecting REYNOLDS, OPIE, GAINE-BOROUGH, and others. But SULLY found the older artists generally little disposed to aid their younger brethren in art, either by advice or by the loan of their pictures. He

therefore the more highly appreciated the kindness of the veteran **NORTHCOTE**. **LESLIE** too, was an exception, for he was not only kind in directing his studies and criticising his work, but in lending him many of his own choice productions. Such were some of the great masters of the British Metropolis with whom **SULLY** associated, and from whose experience, suggestions and instructions he added largely to his knowledge and skill in the divine art to which he so enthusiastically devoted the better portion of his days.

After an absence of four years, he returned to his native country in September, 1823, and at once commenced redeeming the promise of his youthful genius. Of all the numerous productions of his pencil, the five noble portraits now adorning our Hall, will ever render his name indissolubly connected with our Society. Two of them are originals—those of **WA-PE-SHE-KA**, or *the Prophet*, and **BLACK HAWK**'s son **NA-SHE-A KUSK**, both painted from life in 1833, and never copied. That of **BLACK HAWK** is a perfect copy of the original which he painted at the same time, but the copy is an improved picture. In a letter addressed to our Society, **SULLY** himself happily remarks, that “there is in the original portrait of of the **PROPHET**, a peculiar, indescribable, devilish expression—a something that you cannot explain, that I hit exactly in the original, and might not hit again so perfectly in any copy. It might be a fac simile, and yet not retain that *something*, which has been a subject of remark by all who have seen it.” **SULLY** spent nearly six weeks at Fortress Monroe, Old Point Comfort, Virginia, with **BLACK HAWK** and his companions, studying their characters and sketching their features. The officers at the fort, Gen. **DODGE** and other pioneers of this State, unite in testifying to the life like expression and accuracy of the likenesses. The portraits of these remarkable Indians, whose names are so closely identified with the early history and border warfare of our State, will ever possess an enduring interest to the citizens of Wisconsin.

The other **SULLY** portraits in our collection are more national in their character—those of **POCAHONTAS** and Chief Justice **MAR-**

SHALL. The beautiful POCAHONTAS appears to us as the guardian angel who twice saved the infant Colony of Virginia from destruction, by her almost superhuman heroism and devotion, and under circumstances of singular peril and romance. This fine painting is a copy of a copy of an ancient original, which was long preserved in the family of Mr. ROLFE, the husband of POCAHONTAS, in Warwickshire, England, until about 1772, when it was sent over, together with ROLFE's portrait, as a present to the late RYLAND RANDOLPH, of Virginia, a lineal descendant of the Indian princess. The tooth of time had so gnawed this ancient relic, that it crumbled to pieces soon after SULLY copied it, which was in 1830. The copy, however, hanging upon our wall, is somewhat idealized, yet preserving a faithful transcript of her features, with her costume Indianized, and a wreath of the beautiful wild flowers of Virginia embroidered in her hair, as represented by the ancient Virginia historian BEVERLY. It is not necessary to dwell upon the remaining SULLY picture, that of Chief Justice MARSHALL, the soldier, statesman, jurist and historian. He was one of the fathers of the republic, and prior to his death in 1836, he sat to SULLY, and ours is a copy of that picture; and this copy SULLY declared to be the best portrait he ever executed.

Mr. SULLY had resolved, as you all know full well, to migrate to Wisconsin, and make our town his future home. Everything our Society could do, was done to encourage his coming; and not a few of our pioneers and public men were waiting his arrival, to sit to him for their portraits for our Picture Gallery. We all fondly hoped to grasp the hand of the accomplished artist, whose genius and success in fine painting had given him a place in all our hearts. "Man proposes, but God disposes." He left Richmond for this place, with buoyant hopes and high anticipations, on the 16th of October last, and proceeded as far as Buffalo, where he was arrested by a fatal disease, at a hotel where he stopped, and was removed by the advice of his physician to a hospital, for the advantage of more constant medical attendance, and more assiduous nursing. But all to no purpose. He lingered till the 28th, when

he breathed his last, and his body was interred in the cemetery of the institution; and has since been removed by his relatives to Richmond, and buried by the side of the mouldering relics of his mother. It is fit, in the language of the Richmond *Enquirer*, that the citizens of Richmond should "pay some tribute to the memory of a man whose talents have done honor to their city and state."

Since it was the misfortune of us all not to have personally known Mr. SULLY, I can only say, that he has been represented by those who best knew him, to have possessed many of the finest traits that adorn the human character. "We knew the deceased," says the editor of the Richmond *Enquirer*, "somewhat familiarly for some years, during his residence in our city, and whilst we admired his brilliant talents as an artist, we could not help warmly esteeming some of his most amiable qualities as a man. Unhappily, however, neither his fortune nor his fame was at all equal to his merits, and he lived, as it were, under a cloud, and oppressed by adverse circumstances which he could not control. He bore up, however, against them with a manly fortitude which won our respect." It was in making a noble effort to come to Wisconsin to retrieve his fortune, and add to his fame and usefulness, that he sickened by the way, and passed to the tomb—thus blasting his own and our fondest anticipations.

I have endeavored, in a brief and faithful manner, to trace Mr. SULLY's career and characteristics, as due to his worth and memory, and especially as he had done so much, and that so well, in aiding to found the Picture Gallery of our Society, and by his name and influence had added to the reputation of our institution at home and abroad. In acquainting ourselves with his history, and his early struggles and success in fitting himself for his noble profession, we cannot but admire his genius, deplore his loss, and place a higher estimate upon the value of his paintings which it is the good fortune of our Society to possess.

SULLY evinced, in an unusual degree, the spirit of the true antiquarian. Even when in London, in his visits to the Tower, he

discovered, by means of some ancient fire-arms, the peculiar meaning of certain passages in the primitive history of Virginia, which had hitherto been regarded as vague and obscure. He loved to visit scenes rendered sacred from their historic associations, and to decipher, like another Old Mortality, the moss-covered and half obliterated inscriptions on tomb-stones in ancient grave yards; and he delighted, as in the case of the likeness of POCAHONTAS and others, to preserve for history and future usefulness, truthful representations of such characters as have rendered themselves conspicuous by their labors of love, or deeds of noble daring. We had, by common consent, awaited his arrival, to tender him the place in our Executive Committee, made vacant by the death of the lamented WRIGHT.

He had devised liberal things for our Society—to sketch and paint the battle fields of our Black Hawk war, and portraits of our noble and fast fading band of pioneers. He had also copied a fine sketch of OSCEOLA, which he proposed enlarging into a portrait of that unfortunate Seminole chief, as an addition to our gallery; and he had visited the ruins of Jamestown, and sketched that hallowed spot, made memorable by POCAHONTAS and Captain JOHN SMITH nearly two hundred and fifty years ago, and which he designed putting upon canvass for the further adornment of our hall, already so richly embellished by the beautiful creations of his genius. But SULLY is gone—these hopes and designs all frustrated; and in lamenting the loss we have sustained—we can not repress the anxious inquiry—upon whom will his mantle fall? who can worthily fill the place his untimely death has made vacant?

It was moved by Hon. J. P. ATWOOD, seconded by Ex Governor FARWELL, that a copy of Mr. DRAPER's address be filed in the archives of the Society.

Messrs. Judge ATWOOD, WHITE and DRAPER were appointed a committee to report suitable resolutions, who through Mr. WHITE submitted the following—which were unanimously adopted:

Resolved, That in the death of ROBERT M. SULLY, we feel that our Society has met with an irreparable loss, and we deplore the sad event which has deprived our State of an artist of high merit, and our Society of one of its truest friends.

Resolved, That we tender his relatives our sincere condolence, and that a copy of these proceedings be transmitted to them; and, in respect for the memory of the deceased, that this meeting do now adjourn till Thursday evening next.

APPENDIX NO. 5.

EARLY HISTORY AND CONDITION OF WISCONSIN.

Annual Address delivered before the State Historical Society, in the Senate Hall, by Hon. HENRY S. BAIRD, of Green Bay, on the 30th January, 1856, the seventh anniversary of the Society :

MR. PRESIDENT :—The eventful changes and vicissitudes constantly occurring in the history of nations and individuals, admonish us to note carefully every thing of moment connected with our own generation ; to look forward to that period when the present shall have passed into futurity—when the forms of government, and existing institutions, both civil and political, shall have changed—and when those who are now the busy actors in the grand drama of life, shall have given place to those who are destined to succeed them. Then nothing will remain to commemorate the events of our time but the page of History, or the imperfect recollections of our descendants.

It is the design of History faithfully and truly to record events worthy of notice, in the rise, progress and decline of nations ; also to transmit to posterity the virtues and noble deeds of individuals, and the perfections in the several forms of government, as examples worthy of imitation ; and, on the other hand, to point out the vices, errors or imperfections to be avoided. To rely solely on tradition for a knowledge of preceding generations, would inevitably involve the past in uncertainty and obscurity. As it is the province and design of History to preserve and perpetuate

events, so is it equally the duty of man faithfully to record, and leave to his successors an account of the transactions and occurrences of his own generation.

The historian is often misled by misstatements or prejudices, and oftentimes finds himself at a loss for reliable materials from which to prepare a correct history. The formation of *Historical Societies* is comparatively of but recent origin. Such institutions may have existed for a long period, but to a very limited extent, in some of the older countries in Europe. Still their usefulness and value are, as yet, scarcely appreciated as they deserve. Their object is not only to collect information as to existing institutions, and the present state of social and political society, but to rescue from oblivion the events of past ages; to delineate the character and habits of the people of past generations; to record whatever was peculiar in their forms of government, their social and national habits, their virtues or their vices, and transmit the whole to those who may succeed them.

The STATE HISTORICAL SOCIETY OF WISCONSIN is yet in its infancy. It has been in existence but seven years. For the first four or five years after its formation, but little more was accomplished than to organize it, and hold an annual meeting for the election of officers. A degree of apathy seemed to exist, which greatly retarded its prosperity, and limited its usefulness. But it is highly gratifying to know, that such is no longer the case. Your Society is constantly receiving valuable contributions, the number of its members steadily increasing, and its early establishment will doubtless secure and perpetuate many interesting memorials of the "olden time," which otherwise would be lost or forgotten. Let us hope that its usefulness will be duly appreciated; that the best men of our country will not only give it their countenance, but contribute freely their aid and exertions to render it worthy of the noble objects it has in view; and may its annual gatherings, in all time to come, be attended, as on the present occasion, by the intelligent citizens, and high functionaries of the State.

On an occasion like this, it may by some be expected, that some allusion will be made to the history of the State in which the Society is located. To attempt anything like a connected history in an Annual Address, even in reference to so young a member of the Confederacy as Wisconsin, would be preposterous.—Still much may be said relating to particular periods or occurrences in that history, worthy of being preserved, and which may prove interesting to the audience I have the honor to address.

The rise, progress and prosperity of this Republic, are unparalleled in the annals of nations. Within little more than half a century, and in a period of time scarcely equal to that allotted to the ordinary life of man, the UNITED STATES have emerged from a state of vassalage and dependence—defied and rejected the master that controlled and governed her, declared herself free and independent, and now forms, within her own limits, a constellation of States, each of which is equal in power and resources to many of the kingdoms of the old world. To trace the history and progress of the several States comprising this Union, would be interesting. For although the period of their existence is brief, yet it is replete with events of most thrilling interest. In this respect, Wisconsin occupies a position surpassed by no other State in the Union. It is true, much of her history is involved in obscurity, and it is in some degree blended with that of other States which are parts of what was formerly termed the *North West Territory*, and out of which have been formed the States of Ohio, Indiana, Illinois, Michigan and Wisconsin.

The early history of this region can only be gathered from the traditionary accounts given by the oldest inhabitants, and the exaggerated published journals and narratives of the early missionaries and other explorers of these then wild and inhospitable regions. This portion of the history of Wisconsin has been written by an abler hand than mine. The volumes lately compiled by the venerable historian of the State, have done full justice to the

subject, and are undoubtedly as full and correct a history of that period, as ample knowledge, industry and research could make them.

In recurring to the early history of the country, we are naturally led to inquire—By whom was it first explored, and what motives prompted its exploration and occupation? And here, I would observe, that posterity has scarcely yet done justice to the character and merits of those who first entered upon this hazardous enterprise. COLUMBUS, after repeated rebuffs and disappointments, at length, by indomitable courage and perseverance, succeeded in discovering a new world. That success excited the envy and hostility of the great and powerful. During his life time he suffered injustice at the hands of his sovereign, and failed to receive the reward he so nobly won, and so richly deserved. It was reserved for posterity to do full justice to his merits. His monument is no less than this vast Continent, peopled by millions of freemen, who acknowledge him as the discoverer of America. The principal motive which influenced him in undertaking his great voyage of discovery, was probably that of ambition, and the desire to give his name to the new and hitherto undiscovered country.

But how different the motives of those who first entered the path for the exploration of the distant wilds of Wisconsin! They were the poor but devoted missionaries, who could gain nothing by their discoveries; men, who not only professed to have at heart the welfare and happiness of the Indians, but by every action of their lives, proved the disinterestedness and purity of their intentions. Whatever opinion some may entertain of the efforts of modern philanthropists to ameliorate the condition, and improve the morals, of the natives, none should withhold from the early missionaries and reverend fathers, the meed of praise for their zeal and devotion in their attempts to civilize the Red Man, and better his moral and social condition. The kindness and friendship with which these efforts were received by the Indians, and the sincere and enduring ties of good will which so long subsia-

ted between the French and the Natives, show conclusively that the early visits of the missionaries, were missions of peace and friendship. To the efforts of these primitive pioneers, devoted and pious men, do we owe the first settlement of this country; and to their journals and narratives, imperfect though they be, can we alone have recourse for information relative to their early expeditions and discoveries, and the condition of the country at that remote period.

Cotemporaneous with the arrival of the Jesuits in this region, another class of adventurers visited, and eventually became identified with the country. I allude to the French traders, familiarly known among their compeers as *voyageurs*. They were truly pioneers of Wisconsin, and are justly entitled to share with the missionaries the reward and credit of bringing the country into notice; opening the way for the introduction of civilization and improvement, and, to some extent, improving the condition of the natives, and subduing their savage propensities. This class of men were actuated by more selfish and sordid motives than those which governed their brethren the missionaries, yet their character and disposition bore a great similarity to each other. All, or nearly all, were Frenchmen, and were possessed, in common, with that urbanity of manner, and all those warm and friendly traits so characteristic of that polite but volatile nation. And experience has shown, that the people of no other country have ever acquired and maintained, during their intercourse with them, the same degree of influence over the Indian tribes.

Nor have any other people ever succeeded in preserving so long and enduring peace and friendship. This result was probably owing as well to the peculiar character of the French people, as also to their adaptation, and ready conformity, to many of the customs and habits of the Aborigines. Of a social and excitable temperament, fond of change, and unaccustomed to the restraints and conventional refinements of society, they found it an easy task to conform readily to the customs and modes of life peculiar to those with whom they came to reside. They

lived, to some extent, as the Indians did ; occupying wig-wams, or rude houses made of the bark of trees ; depending for food, during a portion of the year, on the proceeds of the chase, or success in taking fish, which abounded in the numerous lakes and streams interspersed throughout the North-West ; and many, moreover, intermarrying with the native females, and raising families, who in their turn became permanent residents of the country.

When the dominion of the North-West was transferred by the French to the English, the latter failed, in a great measure, to conciliate the good will of the natives, and secure their friendship. That nation never acquired the confidence of, or established a permanent friendship with the Indian tribes, like the French. The feelings of the Indians towards the French seem to have been respect and affection, induced by kind treatment, and fair and equitable traffic ; while towards the English, they cherished a secret dislike, only subdued and smothered because they were the weaker party. On the surrender of the country to the United States, these unfriendly feelings were by no means diminished, but rather increased ; which but too often showed themselves in hostile attacks, and the murder of the weak and unprotected.

These different phases of feeling manifested by the Wisconsin Indian tribes towards the people of the several nations who successively became the occupants of their country, may be easily accounted for. The French came as friends, and not as task-masters. They opened a traffic with the natives, lucrative to the former, and, at the same time, beneficial to the latter ; supplying their wants in exchange for their furs and peltries. They did not attempt to take forcible possession of the soil, or appropriate it to their own use. They cultivated little or no land, and did not interfere with the game.

The English had in view, not only this rich and profitable traffic, but a more important ulterior object—the acquisition of the country, and its entire subjection to British dominion. This soon manifested itself to the Indians by the policy adopted by the

English government, and the arbitrary acts of her governors and military commandants. And when we add to these causes of dislike and alienation, the recollection that for many years a sanguinary war had been waged between France and England for the avowed purpose of gaining ascendancy in, and exercising exclusive sovereignty over, this very country—the *birth-right of the natives*, it is not wonderful that the latter should favor the people whom they viewed as friends, and take sides against the English, whom they had always considered as their worst enemies. During the period of English sovereignty over the country, this state of things scarcely changed. That period was marked by constant out-breaks, and frequent sanguinary conflicts between the whites and Indians.

At the termination of the American Revolution, the whole extent of territory lying between the Canadas, the Great Lakes, and the Mississippi, was to have been surrendered to the new Republic. The formal surrender, however, was delayed on various pretexts by the English government; and many of the forts, trading posts and settlements were withheld for several years after the time stipulated for their delivery; and we can well imagine, that during this period, no pains were spared by the emissaries of the English, to keep alive the jealous feelings of the Indians, and incite them to hostilities with those whom they believed had come to expel them from their country, and destroy and exterminate them as a people. The English differed from the French in many particulars, but especially in their taciturn dispositions and unsocial habits. The character of the Americans was still more marked, and in many respects obnoxious to the Indians. They came as conquerors, and assumed the government of a country and people originally free and independent. They asserted that the country was theirs by conquest, and that the natives were but tenants at sufferance. They assumed the right to fell the forest, till the soil, and destroy the game, the sole dependence of the people who inherited this beautiful region—the gift of the Great Spirit whom they worshipped and adored.

Is it surprising then, that this people should have entertained hostile feelings, and waged war against the intruders? Before dismissing this part of Wisconsin history, let us for a moment pause. Let us sympathise with a race who have been most deeply, most irretrievably wronged. When this fair land was first invaded, and taken possession of by the whites, it was as the God of Nature had formed it; abounding in every thing to make it desirable for the residence and support of man in a state of primitive simplicity, and peopled by numerous aboriginal tribes. Unacquainted with the wants, luxuries and refinements of civilization, and free from the vices and crimes of modern society, they lived a contented and happy people. The French and English found the country inhabited by the Sauks, Foxes, Winnebagoes, Chippewas, Pottawattamies, Ottawas, Menomonees and other powerful tribes which have now become extinct, and whose names even are forgotten. Those tribes, numbering many thousands, occupied the country now embraced within the present States of Illinois, Michigan, Wisconsin, Iowa, and the territory of Minnesota. *But where are they now?* While some of these warlike and noble tribes are entirely extinct, others bear but a faint resemblance of their former greatness; a few miserable and squalid families make up the sole remnant of their once formidable bands.

It is the common practice of the white man to charge cruelty and duplicity upon the Indian. If he is cruel, who has made him so? If he is guilty of duplicity, who has taught him the lesson? We are too apt to charge upon this wronged and persecuted people the commission of unprovoked crimes, and the perpetration of cruel wrongs, without justification or excuse; and this is especially the case amongst American frontiersmen who may have suffered at their hands. But when we compare the present condition of these people with that when first discovered by the whites, their sufferings must go far to mitigate, if not justify, their sanguinary warfare. At that period, they were truly the *lords of the soil*—sole and undisputed owners of the rich and lovely

country they occupied, surrounded by the abundant gifts of nature, sufficient for the supply of every want, and unaccountable to any master, save the Grand Master of the Universe. Thus they passed their lives in happy simplicity and contentment, little dreaming of the disastrous future that awaited them. The first white men who visited these tribes were received with friendship, and entertained with hospitality. But, alas! it was but a brief space before this kind reception met with an ungrateful return. Soon were these children of nature to be driven from the forests and prairies, through and over which they had been accustomed to roam unmolested and uncontrolled; to be expelled from their beautiful villages where their ancestors were born; from the hunting grounds which for so many generations had supplied them with game—yea, even denied the last consolation of decaying nature, that of mingling their ashes with the dust of their kindred. Why then should we express any wonder that the untutored and injured Indian, goaded on by such harrowing recollections, should feel resentment, and seek to avenge himself on those who have wrought this crushing misery! To feel and act otherwise, would rather evince a want of the noblest and holiest feelings of our nature—filial attachment, and a love of our homes and firesides. Compared with nations of antiquity, who were classed as refined and civilized, the North American Indians would lose nothing in the scale of humanity. Many of the battles of the ancients were equally sanguinary, and blackened by deeds as cruel and cold-blooded in their character. Even among our own people, acts of atrocity have been committed on the Indian, revolting to humanity, and contrary to every principle of honorable warfare.

There is much that is noble and elevating in the character of the Indian yet left to him. But how different is the present from his original character. When first visited by Europeans, he walked erect, with the proud and haughty bearing of one conscious of his independence, and freedom from restraint; yet with all this feeling, he would extend the hand of friendship, and en-

ertain the stranger with kindness and hospitality. And what has been the return for all this? The answer is found in the squalid appearance of a few miserable beings who yet linger in portions of our State; reduced by the introduction of the low and wasting vices of the whites, and the more dire effects of spirituous liquors, he stalks our streets a living evidence of *what he is*, contradistinguished from *what he once was*—an enduring reproach upon the white man for the debased creature he has made him. The nature of the Indian is to avenge injury or wrong, but he is always susceptible of friendship, and grateful for kindness shewn him. To partake of his hospitality is sure to secure protection and safety.

Much has been said as to the policy adopted by our Government in relation to this suffering people. Some public functionaries have, at different times, lauded the Government for its *just and parental care and protection* of this persecuted race. *Justice to the Indians!* After robbing them of their possessions; forcibly expelling them from their homes and their country; and by the introduction of spirituous liquors and low vices of civilized man, degrading them from their once proud and noble bearing to the lowest and most abject condition; then the General Government *does them justice*, and exercises parental care over them, by doling out a pitiful annuity of a few blankets to cover their naked limbs, and a scanty supply of provisions to keep their famishing women and children from utter starvation. It would be more magnanimous for the white man candidly to acknowledge the wrongs committed, and to the utmost of his power to atone for them by exertions to ameliorate the hard fate of the sufferers.

But their destiny is written. As the white man advances, they recede—even the stupendous and almost inaccessible ramparts of the Rocky Mountains cannot stay the advance of the enterprising American. Already has the Red Man fled beyond what he once believed to be the utmost boundary of civilization, and yet he is pursued. His relentless foe is still close upon his retreating foot-

steps, leaving no hope to him but that of finding a peaceful grave—a last resting place from his pursuer—beneath the rolling billows of the Pacific.

If we cannot do justice to the Indian by restoring him to his country, and re-uniting him with his scattered race, let us at least do justice to his character. In our prejudice, let us not lose sight of his many noble and redeeming traits. Many of the early settlers of Wisconsin have experienced from the Indians numerous instances of friendship and hospitality; and not a few were indebted to individuals of the Menomonee tribe for the preservation of their lives and liberty during the war of 1812.

By the treaty of peace of 1783, as also by Jay's Treaty of 1795, it was stipulated by the English Government, that the North-Western territory, with its forts, trading posts and dependencies, should be surrendered and transferred to the United States; but as already remarked, the surrender of the posts and evacuation of the country, by the English, were long delayed. Although the United States exercised nominal jurisdiction over parts of the territory previous to the war of 1812, yet this exercise of authority was barely in name. During the war, nearly all of this part of the North West was in possession of the British, and the few Americans who resided here were subject to their authority. It was not until 1816, that that portion of the territory comprising Wisconsin became really a portion of the United States.

All of the tribes of Indians inhabiting the North West between the Lakes and the Mississippi, with the exception of the Pottawattamies and a part of the Ottawas*, were hostile to the States; enlisted on the side of the English, and during the contest waged

* There would appear to be some mistake in this statement. When Col. ROBERT DICKSON collected a large Indian force under the British flag at Green Bay in the summer of 1812, the Pottawattamies and Ottawas formed a part; and in August of that year, a large band of Pottawattamies, under their chief, BLACK BIRD, committed the memorable massacre at Chicago; and the Pottawattamies also figured prominently at Tippecanoe, Brownstown, River Raisin, Fort Meigs, Sandusky and the Thames. The Menomonees as a nation, it is believed, were mainly controlled by their able chief TOMAH, who used all his great influence to prevail upon his people to remain neutral—and but a few of the young warriors joined the fortunes of the British.

war against the Americans. The Pottawattamies and Ottawas, although friendly, remained neutral. By the terms of Jay's treaty, all the inhabitants of whatever nation, then residents of the country, were protected in the possession of their property, with the right to remain, or, at their option, withdraw with their effects from the country, and one year was allowed them to make their election. All who did not withdraw within that period were deemed American citizens, allowed to enjoy all the privileges of citizenship, and to be under the protection of our Government. But few of the settlers left the country. Those who remained virtually became American citizens; but we find that nearly all the French and English of this class, were subsequently found in the ranks of our enemies. Several bore commissions under the King, and, with their Indian allies, assisted in taking Mackinaw and other places, during the war of 1812-'15. During that contest, the few Americans that resided at Green Bay, Mackinaw, Chicago, and Prairie du Chien, were at the mercy of the British, and exposed to the depredations of the Indians. Some were taken prisoners and conveyed to Detroit; some made captive by the Indians, and others fell by the tomahawk and scalping-knife. The cruelties practised upon the whites have been generally and indiscriminately charged upon the Indians, when in truth they were instigated to the commission of such deeds by white men, the officers or emissaries of the English. Perhaps some of the most diabolical acts were committed by the white fiends themselves; for instances were not rare, when white men or their descendants were found wearing the garb and wielding the weapons of the red men, the better to conceal themselves from the Americans.

At the termination of the war, formal possession was taken by the American troops of the North West. The first American vessel, laden with troops and military supplies, entered Green Bay, and finally anchored in Fox River, opposite where Fort Howard was soon after established, in August or September, 1816. They were piloted from Mackinaw by two old citizens of Brown county—AUGUSTIN GRIGNON and STANISLAUS CHAPPIN, the former

of whom is still living. They were traders and residents of Green Bay, but then at Mackinaw, on their annual visit to sell their peltries, and obtain supplies for the trade of the ensuing winter. They were applied to by Col. CHAMBERS, the commanding officer of the American detachment, to pilot the vessels; but as they had their own boats and men there, they declined, as it would be a sacrifice of time, and be attended with risk in reaching their remote wintering grounds, or trading posts, before the commencement of winter. But these objections availed nothing. In those days, and in this country, the will of the military commandant was the law of the land. Having refused to go voluntarily, they were pressed into the public service, and safely piloted the vessels into the waters of Fox River.

From 1816 to 1824, a period of eight years, although Wisconsin and a part of Michigan Territory were nominally under the protection of the flag of the Union, yet but little of parental care was bestowed upon her citizens in civil life by the General Government. The rule that bore sway was essentially military. No courts were organized, and offenders against the laws were either sent from remote parts of the settlement to Detroit for trial, or perhaps more usually suffered to escape punishment. The civil code was limited, and but sparingly administered. But the military code, such as it was, more than supplied the deficiencies of the civil. While this state of things continued, it occasionally happened that some military genius, possessed of more tinsel than discretion, became the commanding officer, and to mark the era of his reign, would exercise his "little brief authority" in an arbitrary manner, and thus contrive to render the condition of the citizen as uncomfortable as possible. Instances of high handed oppression and injustice were, in the early days of our history, frequently committed by some military martinet, upon the persons, liberty or property of those whom they were sent to protect. A few such cases were witnessed by myself.

It happened that some thirty years ago, a gentleman still living in this State, being then engaged in the Indian trade near Green

Bay, became obnoxious to a Government agent who had the authority to grant licenses to the traders. On applying for a license, as usual, the trader was refused, on the alleged ground, that he had on some former occasion, violated the laws of trade and intercourse with the Indians. The trader therefore hired two Indians and their canoes, and started for a distant agency, intending there to obtain his license, and return for his goods. After proceeding some miles, the trader was overtaken by another canoe, strongly manned and armed, having on board the United States Indian interpreter, and eight or nine Indians. The interpreter stopped the trader, and ordered him to go on board of the armed canoe, together with his Indian comrades. This he refused to do, when he and his companions were seized, and forcibly carried back to the place whence they started a few hours previously. They were all landed on a beach near the Agency House, and the trader and Indians ordered into the building. The trader of course refused to obey, and went his way unmolested, but the poor, innocent Indians fared much worse. They were marched as prisoners to the garrison, accompanied by the interpreter, with a polite note from the agent, requesting the commanding officer to give each a dozen lashes, and confine them in the guard-house until further orders. This request was promptly complied with, before the civil authority could interpose to prevent it. I need hardly say, that great excitement prevailed, and much indignation was manifested at this cruel and arbitrary exercise of unlawful authority. As soon as a writ of *habeas corpus* could be obtained, the poor maltreated Indians were released.* But unable to comprehend why they were thus punished, they fled as soon

* Those poor injured red men must have felt very much as RED JACKET did when returning with a group of lawyers from a court of justice, where one of his Seneca brothers had just been sentenced to imprisonment for life, after the old chief had eloquently and sturdily plead that the accused might be tried and punished by Indian laws and usages—seeing the emblematical representation of Liberty and Justice emblazoned in large figures and characters on the sign of a printing office, the old chieftain stopped, and pointing to the figure of Liberty, asked in broken English—“*What—him—call?*”. He was answered, “*LIBERTY.*” “*Ugh!*” was the significant and truly aboriginal response. Then pointing to the other figure, he inquired—“*What—him—call?*”. He was answered, *JUSTICE*—to which, with a kindling eye, he instantly replied, by asking—“*Where—him—live—now?*”

as they were set at liberty, and were not seen at the place of their suffering for a long time afterwards. Civil authority being then fully established, the persons who so grossly violated law, and outraged every feeling of humanity, were immediately arrested, and required to give bail for their appearance to answer the complaint at the next term of the court; but before the time for trial, the guilty parties were very willing to settle the matter by making reparation, and paying the Indians handsome smart money.

A more recent affair of a similar character, occurred at Green Bay, when two citizens were arrested by the sentinel in open day, and marched by the guard to the fort, a distance of half a mile, charged with having *dared* to land on the fort side of Fox River, without permission from the commanding officer. In this instance, the military was obliged to succumb to the civil authority. The officer by whose orders the parties were arrested, was prosecuted for the outrage, and considered himself fortunate to escape with a fine.

Many other instances of usurpation of authority, although not on record, are fresh in the recollection of the early settlers of Wisconsin,—such as demolishing houses, firing into vessels or boats attempting to pass the fort without stopping to report to the commandant. As late as 1827, your speaker and the Hon. JAMES D. DORY, then Judge of the District, were on our return from Mackinaw, where the Judge had held his court; we were in a bark canoe, manned by Frenchmen and Indians, and entering Fox River, we arrived opposite Fort Howard about eight o'clock in the morning, and while steadily pursuing our way up the river to our homes, we were hailed by the sentinel, who was stationed on the wharf, and ordered ashore. This command we at first disregarded, and ordered our men to go on; but they became alarmed, when the sentinel deliberately presented and cocked his musket, at the same time threatening to fire into us if we did not immediately go ashore. We permitted the men to do so, and were met at the wharf by the officer of the day, of whom we in-

quired when war had been declared? He rather sheepishly replied, that it was a standing order of the post that no boat or vessel should be permitted to pass without reporting.

These incidents in the early history of our State are not alluded to for the purpose of injuring the feelings of any of the actors in them, if any are still living; but to show the privations and hardships experienced by the early settlers; and to exhibit in their true forms, the inefficiency of the protection afforded by the General Government, and the proneness of military men, when exercising the supreme authority, to become tyrannical and oppressive.

I have remarked that during the period of eight years prior to 1824, the country was principally subject to military rule. It was not, however, entirely so, as there was a species of civil authority exercised in parts of the country where there were white inhabitants, and which, in many respects, was quite unique and amusing. I will allude to one or two cases that occurred in that part of the State where I have long resided, and with which I have become acquainted. All who have any knowledge of the early settlement of the northern part of the State, have heard of the venerable Judge REAUME, who resided for many years at Green Bay, and died near there over thirty years ago. A relic * of this venerable functionary is preserved among the collections of your Society. Where the Judge came from, is not very well known, and whence he derived his authority is a matter likewise involved in uncertainty; but it is a well established fact, that he exercised the functions of a Judge or Justice for a long period. When he first assumed the robes of office, he probably received his authority from some commanding officer or governor. His judicial career commenced before the war of 1812, and probably continued until near the time of his decease. This exercise of authority seems to have been tacitly acquiesced in by all. It has never been as-

* His scarlet coat or court dress, faced with white silk, and bedecked with spangled buttons, in which he appeared in all public occasions.

certained that the Judge received a renewal of his first appointment from any governor in Michigan or elsewhere; but he could not be termed an usurper, as there appears to have existed no opposition to his judicial acts, but on the contrary, a quiet submission to his authority, and a ready acquiescence in his quaint and odd decisions.

Many amusing anecdotes are told of the Judge, and of the nature of his judgments. One, which was related to me by a friend now deceased, who on the occasion was chosen defendant, will serve to illustrate the primitive judicial decisions in Wisconsin. My friend was sued by a Frenchman on an account, and summoned to appear before Judge REAUME. The summons was returnable at 2 o'clock, P. M., but the defendant forgot the hour. Four o'clock arrived, when he bethought himself of his remissness. He immediately repaired to the Hall of Justice, first taking the precaution, however, to slip into his over coat pocket a bottle of good old whiskey. On entering the presence chamber, he found the cause decided against him—the plaintiff exultant in his success—the Judge rigid and dignified. The defendant had defied his authority and disobeyed his mandate. In vain did my friend attempt to thaw the ice of the Judge's cold reserve, and obtain a re-hearing. Failing in all these efforts, the defendant rose from his seat, and approaching the door of an inner apartment, invited the Judge to follow. This he did reluctantly. When safely out of sight of the other party, the defendant slowly drew from his pocket the aforesaid black bottle, and placed it on the table, where were already glasses and water. The stern features of the Judge suddenly relaxed. It was an easy matter to prevail upon him to taste the tempting beverage; it was indeed so good, that he repeated the dose, and like many other great men before him, he lost his resentment in his love for good liquor. The Judge and the defendant soon re-entered the Justice Hall, and the plaintiff, who was still present, was required to appear, when he was informed that the court had decided to grant a re-hearing of the case. This was accordingly done, and after a brief examination,

the former judgment was reversed, and entered against the plaintiff. The latter remonstrated in vain, stoutly contending that the Judge had already decided the cause in his favor. All was cut short by the Judge declaring, that "*his first decision was only that the plaintiff should win for to lose!*" I am not positive whether it was on this or some other occasion that the Judge further ordered, that the losing party should work three days on his farm, *and the constable pay the costs!* Upon the whole, the administration of justice by the venerable Judge was mild and lenient. No cruel or oppressive punishments were inflicted, and in the whole course of his career, it is not alleged that he ever exercised that prerogative of judicial power so abhorrent to the feelings of modern reformers and philanthropists, the infliction of the death penalty.

I will relate one other early judicial decision, which came within my own knowledge. It was made by an old pioneer settler, a Frenchman, who in character and manners was a perfect gentleman, but was better acquainted with the principles of honesty and fair dealing, than with the subtleties and technicalities of the law. Most of you are doubtless aware, that according to the laws of the United States for the government of the land and naval service, it is provided that "no person who has been enlisted as a soldier, shall be liable to arrest or imprisonment for any debt contracted by him during the term of his enlistment." At all military posts, soldiers were in the habit of contracting debts with citizen traders who would give them credit. A large proportion of these debts were lost, for in addition to his inability to pay, the soldier was often aided by his officers in cheating his creditors. There was some excuse for this on the part of the officers, as their men were often found intoxicated in the shops and groceries, and not unfrequently sold their clothing and military accoutrements to obtain liquor*. The officers would, therefore, aid the soldier to

*Their thirst for rum led them sometimes even to attempt to steal from or plunder the Indians to obtain it. It is stated in the Detroit Gazette, Feb. 15. 1822, that not long previously one soldier was killed at Green Bay and another at the same time wounded, by an Indian woman, in order to save her keg of whiskey which they were endeavoring to wrest from her. L. C. D.

evade the payment of his debts, by granting him leave of absence for the few closing days of his term of service, so that if arrested for debt before he left the post, he could still avail himself of his enlistment as a bar to collection.

It happened that on the occasion alluded to, a non-commissioned officer had contracted a considerable debt with a trader, which he refused to pay. Some days before the expiration of his term of service, he applied to his officer for a furlough for his unexpired time, which was granted; and shielded by this, with his regular discharge, he left the garrison, defied his creditors, and was about to leave the country forever. In those days, it was lawful to arrest dishonest debtors, and imprison them until they paid their debts, or were otherwise discharged. The creditor applied to my old friend, who was a Justice, for a warrant; it was granted, and the soldier was arrested, and brought before the magistrate. The accused readily admitted the justness of the debt, but plead the law of the United States, which protected him as a soldier from arrest. After patiently hearing his defence, the Justice proceeded to give judgment in favor of the plaintiff for his debt and costs. The plaintiff immediately demanded execution against the body of the defendant. This too was granted. The soldier remonstrated with the Justice, saying he was a soldier of the United States' army, and as such was exempted by law from arrest for debt, and concluded by assuring the Justice that "he did not understand him." The phlegmatic Justice, who did not speak very plain English, thus emphatically explained his meaning—"*You-do-go-to-de-jail, and-stay-there-until-you-pay-de-debt, and-you-will-understand-me-very-well!*" The result was that the defendant rather than go to the place named, pulled out his purse, paid his debt, and went on his way, though probably not rejoicing. The upright old magistrate could not understand the reasoning, that while an honest citizen paid his just debts, Uncle Sam's hard cases should go scot free.

It was not till 1824, that the civil code and civil authority could be considered fairly established in this part of the North

West. At the session of 1823-'24, Congress passed a law for organizing an additional judicial district in the then territory of Michigan, comprising the counties of Mackinaw, Brown and Crawford, and the Hon. JAMES D. DOTY was appointed judge, the duties of which office he continued to discharge until 1832. The establishment of regularly organized courts may be considered a new era in our history, for it was then for the first time, that the citizen regarded himself as really under the protecting arm of the law, and in the full enjoyment of his liberty and property. Yet it is a fact worthy of note, that this innovation on the primitive rights of the old settlers, was viewed by them with great jealousy. They looked upon it as a violation of their *Magna Charta*—a serious infringement on their long established customs; and they heartily wished the court, and (perhaps with better reason) the lawyers too, anywhere but amongst themselves.

The advance and improvement of the country was slow but sure. For a few years its history was monotonous, exhibiting but little of interest or importance—occasionally presenting an Indian murder, or rumors of wars or hostile designs. Thus it continued until about 1827, when the region of country bordering on the Mississippi and Wisconsin rivers, known as the Lead Mines, began to attract attention. In a short time this whole district was over-run, and swarmed with enterprising western explorers. The occupation of the country by the whites, as might have been foreseen, led to the Indian wars that followed. At first the difficulties were confined to occasional out-breaks, and single acts of violence. But all who knew the Indian character, were well convinced that a general rising of the tribes would soon follow the forcible possession taken by the white adventurers. The title of the Indians to that part of the country had not yet been extinguished*; and the land was owned, or claimed by the Sauks,

* Perhaps it would be safer to say, that the Indians did not acknowledge it. At St. Louis, in 1804, five Indians representing themselves as the chiefs and head men of the united Sauks and Foxes, concluded a treaty with Gov. WM. H. HARRISON, ceding to the United States nearly the whole of the present State of Wisconsin, lying south of the Wisconsin River, and west of the Fox River; also a great portion of

Foxes, Pottawattamies, among the most numerous and unfriendly tribes of the North-West. The General Government foresaw the consequences likely to ensue, but either from supineness, or perhaps owing to the small and inefficient military force of the country, no adequate measures were adopted to prevent an open rupture. The Black Hawk war of 1832 ensued, which spread alarm and consternation throughout the extended and sparsely populated settlements. The history of this war, and its speedy termination, are events of too recent date to require more than a passing notice. With all its evils and calamities, this unhappy contest was not without its corresponding benefits and advantages. It brought prominently into notice large portions of our State hitherto unexplored, made known its natural resources, and proved the precursor to the rapid settlement of the country; and, moreover, called the attention of the Government to the North West, and led to the speedy extinguishment of the Indian title to the soil.

In short, from the year 1832, we may date the commencement of our prosperity, and from that period until 1836, when Wisconsin was organized as a Territory, her prosperity and improvement continued with a steady space. The short space which elapsed between her Territorial organization and her admission as a member of the Confederacy—twelve years, was characterized by rapid and almost incredible changes, and this not only in the increase of population, but in the development of her many natural advan-

Northern Illinois, and considerable portions of the States of Iowa and Missouri. The consideration for this large tract of country, embracing, it is said, more than fifty-one millions of acres, was exceedingly small—goods in hand to the amount of \$2,254 50, and a yearly annuity of \$1000, of which \$600 was for the Sauks, and \$400 for the Foxes, to be paid in goods valued at first cost. This treaty was ratified and confirmed by a subsequent treaty, in 1816, when GOV. CLARK and EDWARDS, and COL. CHOUTEAU were the commissioners, and BLACK HAWK was one of the signers. But BLACK HAWK subsequently denied the validity of the treaty of 1804, when at least three of the five chiefs who signed it figured prominently in behalf of their tribes at several treaties held afterwards; and it should be added, that BLACK HAWK alleged that he was ignorant of what he was doing when he signed the confirmatory treaty of 1816. We must say, that we believe BLACK HAWK to have been too shrewd and cautious to act ignorantly in a matter of so great importance, and particularly if, as he subsequently represented, his people had been over-reached by the whites, at the prior treaty of 1804; and we cannot believe, that men so honorable as the commissioners would have deceived BLACK HAWK and his people.—See *Indian Treaties*: SMITH'S *Wisconsin*, I—227, 228, 495; *BLACK HAWK'S Autobiography*: DRAKE'S *Black Hawk*; DAWSON'S *Memoirs of HARRISON*; *Wis. Hist. Soc. Colls.* I—98.

tages, the cultivation of the soil, the diffusion of knowledge, and the introduction of the arts and sciences, until we now see her vie with her sister states, with every prospect of speedily becoming one among the richest and most populous in the Union.

A comparison of the present condition of our State with its condition thirty years ago, will prove interesting, and fill the mind with wonder and admiration. Let me first revert to the appearance of the country. In 1824, when I became a resident of Wisconsin, there were but two small white settlements within the present limits of the State, and they situated nearly at its extreme points—namely, Green Bay and Prairie du Chien.* The former, besides the garrison of United States' troops, had a population of whites and those of mixed blood amounting to about six hundred; while the latter was still more limited in point of numbers. Wisconsin now contains about 600,000 people. The country was then one unbroken forest, or boundless waste of prairie, possessing, it is true, the beauties of nature in their most enchanting forms, but uncultivated and unadorned by the hand of man. Now how changed the scene! The silent forests and boundless wastes have been converted into cities, towns and settlements, and throughout its whole extent, the country now presents a picture of prosperity and improvement rarely equalled, and never surpassed, on this Continent. At that time, no roads or public highways, save the navigable waters, or the blind Indian trail, traversed the country. The traveler had no choice in his mode of transit from place to place; no public means of conveyance from which he might select the most expeditious or agreeable. His only alternative was, to travel on foot through the forest, or pursue his voyage in the

* If we except the ancient settlement at La Pointe, on Lake Superior—which was, indeed, so far separated from Green Bay and Prairie du Chien as to have no intercourse whatever with them, and its associations and connections must have been confined almost exclusively with Mackinaw. It would seem that Father MENARD visited La Pointe as early as 1660. A French post was maintained there in 1726, as may be seen by reference to the 1st vol. Colls. Wis. Hist. Soc., p. 22. It is remarked in OWEN'S Geological Survey, that La Pointe was originally selected by the adventurous traders of the North-West Fur Company, as the most eligible site for a depot and trading-post in the North-West Territory; and was, for a long time, their principal rendezvous, and the centre of their extensive and wide-spread operations.

frail bark canoe. What a change has since transpired ! Now the iron horse traverses the land in all directions ; the noble steamer plows through the streams and lakes ; and a journey that then occupied from six to ten days of toilsome labor, hazard and fatigue, is now performed in safety and comfort within as many hours.

At that period the United States' mails were conveyed, during the season of navigation, by the irregular and tardy conveyance of sail vessels, and the inhabitants of the country were oftentimes for weeks or months without intelligence of what was passing in other parts of the world, from which they were completely isolated. During the winter, the mail was carried on a man's back, through the trackless wilderness, between Green Bay and Chicago, a distance of about two hundred miles, once a month. This privilege was purchased, partly by voluntary contributions of the citizens, and an allowance from the U. S. Quarter Master's Department, and the military post fund at Fort Howard. The Government at Washington found it would not pay to establish a mail route, or defray the expenses of carrying the mail, and decreed, no doubt wisely, that no expenditure could be made by the Post Office Department for that purpose, exceeding the nett proceeds of the mail matter. In those days, the arrival of the mail was looked forward to with anxiety and impatience, and if for any cause, the arrival was delayed beyond its usual time, the carrier was supposed to have fallen a victim to starvation, or been detained by Indians, the only inhabitants of the country through which he had to pass. Now there are but few settlements in our State where the daily or tri-weekly mail does not penetrate.

Then the whole commerce of the country was carried on by means of a few sail vessels, of less than one hundred tons burthen. The first steamer ploughed the waters of Lake Michigan in 1822.*

* It was a year earlier. The pioneer steamer *Walk-in-the-Water*, made her first trip to Mackinaw in the summer of 1819, transporting supplies to the troops stationed there, and made two trips there in 1820 ; on the 31st of July, 1821, she left Detroit for Mackinaw and Green Bay, with 200 passengers and a large cargo—among the passengers were the Rev. ELEAZER WILLIAMS, then making his first trip to Green Bay, and Maj. CHARLES LARRABEE, the father of Hon. CHARLES H. LARRABEE, of Horizon. It

For several succeeding years, one trip was made annually, and very rarely a second one; vessels upward bound were generally freighted, but seldom returned with a cargo. Our lakes and rivers are now covered with steam and sail vessels of the largest class and finest construction, freighted with valuable cargoes, and people from every clime. Then the inhabitants of the country, the Government troops, and to some extent, the Indians, were solely dependent upon adjoining States for the necessaries of life, and the means of subsistence. Nearly all kinds of provisions were then brought from Ohio, or other Western States, for little beyond the necessary supplies of vegetables was raised in the country. At the present period, Wisconsin not only sends her surplus produce from her teeming granaries to supply the deficiencies of sister States, but annually exports millions in value to remote parts of the Old World, to feed the starving poor, and provide for the wants of the wealthy.

Wisconsin formed, at that period, in name but scarcely in affinity, a part of the Territory of Michigan. The laws then in force were crude and ill-devised, some of which were really disgraceful to those who enacted them—such, for instance, as *public whipping*, and *selling the offender into servitude* for a period not exceeding three months, simply for the commission of mere petty offences. These laws were enacted by a Legislative Board, consisting of the Governor and Judges of the Territory, who received their appointment from the General Government, and were in no way amena-

was the boast of the Detroit Gazette, that the *Walk-in-the-Water* made this trip, of about 1200 miles sailing, and returned to Detroit in thirteen days. She was unfortunately wrecked on the beach near Buffalo in November following. The new steamer *Superior* took her place the next season, and made one trip to Mackinaw, and another to Sant de Ste. Marie, during the summer of 1822. These dates and facts we derive from a valuable file of the Detroit Gazette, presented to our Historical Society by Hon. JAMES D. DOTY. It is stated in the pamphlet work of JAMES L. BARTON of Buffalo, on the Lake Commerce, that "in 1826 or 1827, the majestic waters of Lake Michigan were first ploughed by steam, [erroneous, as we see, as to being the first.]—a boat having that year made an excursion with a pleasure party to Green Bay. These pleasure excursions were annually made, by two or three boats, until the year 1832." In this year, four steamboats were chartered to transport Gen. SCOTT'S troops and supplies, and made their first appearance at Chicago; but, in 1832, no steamboat visited Green Bay. In 1833, two steamboat trips were made to Chicago, and one to Green Bay; and in 1834 two trips were made to Green Bay, and three to Chicago. Such was the advent of steamers upon Lake Michigan. L. C. D.

ble to the people who were to be governed by these enactments. Many amusing anecdotes were told of the manner in which laws were sometimes passed by this sage body. It happened that the members of the Legislative Board were not always on the most friendly terms with each other. A law which one would approve, another would oppose from the very spirit of opposition. A gentleman of the bar, for instance, might wish to get a law passed to meet some particular emergency; and it required not a little management to get the legal number of signatures to give it force. An examination of the old statutes enacted by this body, will show that several of them which passed at the same sitting, bear only the requisite number, but not the same names. But what a change thirty years have wrought! The whipping-post and selling white men into servitude are now unknown; and with a more enlightened people, better laws have followed.

Such was Wisconsin of the past, and such is she at present. But her future destiny—what is that to be? She possesses a fertile soil—an extended territory—inland seas on the North and East, and a noble navigable river on the West; watered by pure and everlasting fountains, lakes and streams, affording water power illimitable and unsurpassed—covered with immense forests of pine and other valuable timber—enriched with inexhaustible mines of copper, lead and iron; and above all other earthly blessings, possessing a climate as sulubrious as any on the Continent. With all these advantages, is it unreasonable to predict, that Wisconsin is destined to become among the richest and most populous States in this vast Republic?

* * * * *

To-day is the seventh anniversary of the organization of this Society. I was prepared to find that it had greatly increased within the past two years in its collections of books, pamphlets, newspaper files, manuscripts, narratives, and its means of usefulness. But until my present visit, I had no correct conception of its rapid progress and prosperity. It has now become creditable to the State, and richly deserves the countenance and patronage

of all our citizens, and the fostering care of the State government. To all I most heartily commend it, not doubting but that, in this enlightened age, and among a people so generally intelligent, it will meet the encouragement, and receive the favor, which so useful an institution so justly merits.

I must beg, in conclusion, to return my grateful acknowledgments to the Society, and more particularly to the members of the Executive Committee, for the honor they have done me by inviting me to deliver their Annual Address. I must regard this as a courtesy extended to the old pioneers, by selecting one of their number for so honorable a position. I cannot but feel, that many better qualified for the task could have been selected. I have, however, done the best I could under the circumstances, and could wish that the offering were more worthy of the occasion. Without stopping to apologize for its imperfections, or to express my deep regret that time is not permitted me for revision or correction, permit me to tender you all the anxious wish of my heart, that many a returning anniversary will continue to exhibit the same unabated interest, prosperity and usefulness that have thus far characterized the brief yet brilliant career of the STATE HISTORICAL SOCIETY OF WISCONSIN!

APPENDIX No. 6.

EARLY TIMES AND EVENTS IN WISCONSIN.

BY HON. JAMES H. LOCKWOOD, OF PRAIRIE DU CHIEN.

At the request of the WISCONSIN STATE HISTORICAL SOCIETY, through their Corresponding Secretary, I shall attempt to give some reminiscences of the early history of Wisconsin, and more especially of the western portion of it. I feel much distrust in my ability to do justice to the subject, as writing for the public eye has never been, thus far in life, any part of my employment or ambition; and yet, in my unpretending way, I feel willing to contribute my reminiscences of early times for the archives of a Society which I regard as having commenced, with commendable zeal, a noble and important work. Very likely I may appear egotistical in many instances, and too prolix in others; but the discriminating reader can make all due allowances, and the future historian can sift the wheat from the chaff.

I was born in the town of Peru, Clinton county, N. Y., Dec. 7th, 1793—and as the sequel will show, I have lived in the woods the most of my days. My father was a farmer, to which occupation I was raised until past the age of sixteen years. When I was between two and three years old, my father's house in Peru took fire, and almost every thing he possessed of a moveable character, was consumed. He sold his farm, and about this period removed to the town of Jay, in the adjoining county of Essex, where he owned or obtained land. Here he made improvements, and had good buildings, an orchard, and every thing comfortable about

him, when, about 1803, he got the Ohio fever. He sold his farm at a great sacrifice; but before he collected the money for it, he met a gentleman who had just returned from Ohio, who stated that though lands were cheap, and they could raise large crops of grain and flocks of cattle with little labor, yet many of the settlers were obliged to go twenty or thirty miles to mill, and there was no market for their fine cattle and rich harvests, and that a farmer with a comfortable home was better off in the cold and unproductive region of Northern New York, than in the fertile plains of Ohio without a market. These considerations dissuaded my father from removing to Ohio, and, in March, 1805, he settled in Champlain, Clinton county, N. Y., where he purchased a farm, with a log dwelling and forty acres of improvement.

Living thus on the frontiers, and removing from place to place, my educational advantages were very limited. But after moving to Champlain, the nearest school was at the village of Chazy, two and a half miles distant, whither I went pretty regularly for two or three winters. In that day and in a new country, to be able to read, write, and cypher as far as the Rule of Three, was considered sufficient qualifications to teach a common school. I was ambitious to obtain a good education, and relaxed no efforts to be punctual in my attendance, although the distance was great, and traveling through the deep snow was often very laborious. I read with avidity every book that chance threw in my way, or which I could obtain by borrowing in the neighborhood.

In the summer of 1808, I boarded at Champlain Village, and attended the school taught by the late Dr. WILLIAM BEAUMONT, who was then a student of medicine. Under his tuition I greatly improved myself in grammar, geography, &c., but at that early day I never saw a school atlas. Opportunities for attending better schools increased, and I continued alternately on the farm and at school until I was between sixteen and seventeen years of age, when I engaged in the study of the law. I, however, concluded, that from deficient early education and my native diffidence, I

should never make a great lawyer, and my ambition protesting against a second or third rate position, I abandoned the law as I then supposed, forever, and sought and obtained a situation as a merchant's clerk.

The merchant who employed me, became the sutler to the Light Artillery Regiment, then commanded by Col. WM. FENWICK, and formed a part of Gen. IZARD's army. This force commenced its march from Plattsburgh to the West, in August, 1814; and my employer having some business to transact in Plattsburgh, before his departure, sent me on to attend to the sutling business, and I continued with the regiment until the campaign on the Niagara was over, and the troops retired into winter-quarters near Buffalo. In November my employer arrived, and taking offense at some of his acts, I demanded a settlement, and left him. I then engaged myself to a man named FULLER, sutler for Maj. BALL's two companies of dragoons, then cantoned near Avon, N. Y., on the Genesee river, where I remained doing little or nothing during the winter, as the dragoons, for some reason, were not paid off.

In April, 1815, I received a letter from the late LEWIS ROUSE* of Green Bay, a townsman of mine, dated at Buffalo, stating that he had obtained the sutling of the Consolidated Rifle Regiment, and desired my assistance. Having no need of my services, I left Mr. FULLER, and repaired to Buffalo, and the stage which conveyed me carried flying colors announcing the news of peace.

Those of the troops enlisted for the war, were now discharged, and those enlisted for five years retained; of the latter was the Rifle Regiment, then understood to have been ordered to Detroit. As I had conducted Mr. Rouse's business principally, he wished

* Judge ROUSE was a native of Rouse's Point, on Lake Champlain, and settled at Green Bay about 1824. He was Judge of the North-west Judicial District while Wisconsin yet formed a part of Michigan Territory. He was a man of prominence in his day, and possessed many kind and gentlemanly qualities. He died suddenly at his residence, in Manitowoc, April 19th, 1855, at the age of 63 years. His sudden death was probably caused by apoplexy, as he was of plethoric habit, and weighed over three hundred pounds.

me to go with him, and desiring to see the country, I accepted his invitation. The troops having left Buffalo about the first of June, we sailed from that place on the 15th of that month, in the schooner *Lady of the Lake*, said to have been the best vessel then on the Lakes, and arrived at Detroit on or about the 10th of July. Here we found, that the regiment had been ordered to Mackinaw.

Detroit was then an old French village, with the houses mostly covered with bark. Waiting here a few days for a vessel on which to proceed to Mackinaw, we engaged passage about the 15th of July, on a crazy old schooner commanded by Capt. PEARSON, bound for Drummond's Island, with pork and hard bread for the British troops then stationed at that place. On board the vessel as a passenger was RAMSAY CROOKS, since so distinguished among the Rocky Mountain traders, then on his way to Mackinaw, to receive the property of the South-West Fur Company, which had been recently purchased by JOHN JACOB ASTOR of New York.* We found this old crazy vessel without any convenience of table, furniture or provisions. Mr. CROOKS had come passenger on her from Buffalo, and the captain had promised him that he would lay in ample supplies at Detroit, but just as we had got under way from the latter port, Mr. CROOKS went into the cabin and as-

* In 1783, several of the principal merchants of Montreal entered into a partnership to prosecute the fur trade, and, in 1787, united with a rival company, and thus arose the famous *North-West Company*, which, for many years, held lordly sway over the immense region in Canada and beyond the Great Western Lakes. Several years later a new association of British merchants formed the *Mackinaw Company*, having their chief factory or depot at Mackinaw; and their field of operations was south of their great rivals—sending forth their light perogues and bark canoes, by Green Bay, the Fox and Wisconsin Rivers to the Mississippi, and thence down that stream to all its tributaries. In 1809, Mr. ASTOR organized the *American Fur Company*—he alone constituting the company; and, in 1811, in connection with certain partners of the *North-West Company*, and others, he bought out the *Mackinaw Company*, and merged that and his *American Fur Company* into a new association, called the *South-West Company*. By this arrangement Mr. ASTOR became proprietor of one-half of all the interests which the *Mackinaw Company* had in the Indian country within the United States; and it was understood, that the whole, at the expiration of five years, was to pass into his hands, on condition that the *American*, or *South-West Company* would not trade within the British dominions. The war of 1812 suspended the association; and after the war it was entirely dissolved—Congress having passed a law prohibiting British fur traders from prosecuting their enterprises within the territories of the United States. Thus we find Mr. CROOKS, in 1815, closing up the affairs of the *South-West Company*, preliminary to enlarged individual enterprise on the part of Mr. ASTOR.

certained that the captain had failed to fulfill his engagement; and immediately he took the skiff, went ashore, and purchased dishes, knives, forks, spoons, and provisions, and we proceeded on our voyage. We were becalmed about ten days on the St. Clair River and Flats, during which we went on shore and bought a sheep, which helped along with the rusty pork and hard bread. At that time, I had seen very little of hardships, and I suffered much from such fare as hard bread and rusty pork.

We were almost a month from Detroit to Drummond's Island, where we found a trader named Lacroix, with a boat bound to Mackinaw, and with him we engaged our passage. No provisions could be had at Drummond's Island, so we were obliged to depend on the *voyageurs'* kettle of corn soup, a new kind of fare to me; and, I believe, I ate but a few mouthfuls from Drummond's Island to Mackinaw. We were two days reaching Mackinaw, where we arrived on the morning of the 15th of August. Once there and recruited, we had a new source of anxiety, in daily expecting the arrival of the paymaster until the close of navigation; and then I had to content myself, as well as I could, until the ensuing spring of 1816. At the request of some of the inhabitants, I concluded to open a school, as it would keep me from idleness; if my scholars did not learn much English, I concluded I should stand a chance of acquiring some French—thus acting out the Yankee character of adapting one's self to circumstances. And thus I spent the winter.

During that winter of 1815-'16, Congress passed an act excluding foreigners from participating in the Indian trade within the limits of the United States or its Territories. This was then supposed to have been done through the influence of Mr. Astor, and upon the purchase of the property of the *South West Company*, the American Fur Company re-appeared under the auspices of Mr. Astor—the head quarters of which were at Mackinaw.

Although Congress had passed a law excluding foreigners from the Indian country, it was found that the trade could not

be carried on without their aid, as most of the clerks, interpreters and boatmen were foreigners; and, in the summer of 1816, the Secretary of the Treasury of the United States issued orders to the Indian Agents on this frontier to license foreigners as interpreters and boatmen, on their giving bond with large penalties for their good conduct in the Indian country. Thus the British traders, who wanted to get into the Indian country, had only to employ an American, to whom the goods were invoiced, and the license taken in his name, and the trader went as interpreter until they were beyond the Indian agencies, when the trader assumed the control of his property, and carried on his business as usual.

During the summer of 1816, it was projected to establish a United States fort at Green Bay; and, in July of that year, Col. JOHN MILLER, then Colonel of the 3d regiment U. S. Infantry, was ordered on that service, and soon chartering three vessels, embarked three or four companies of rifle-men and infantry with some artillery. Among the vessels was the *Washington*, the largest of the fleet, commanded by Capt. DOBBINS, on board of which vessel was the Commandant. I had that year engaged myself as a clerk to some traders, to take charge of an outfit or trading establishment near the head of the St. Peters River, and the Colonel apprehending difficulty from the Indians in landing at Green Bay, proposed to take the goods of several boats in the vessel, and tow the boats, and use them, if necessary, in landing, and then return them to their owners.

Accordingly AUGUSTIN GRIGNON, myself and a French clerk by the name of CHAPPIN embarked on board the *Washington*, Mr. GRIGNON and CHAPPIN, acting in some measure as pilots. During the night of the second or third day out from Mackinaw, the other two vessels became separated from the *Washington*, and arriving in the vicinity of what is now called Washington Island and Harbor, and learning from Mr. GRIGNON that there was a good harbor, Col. MILLER ordered the *Washington* to put in there to

wait for her consorts. We remained there nearly two days, during which time the officers and passengers rambled over the Island, and finally, in honor of our vessel, supposed to be the first one that had entered the harbor, we gave its name to Washington Island and Harbor, which they have ever since retained. Finding the other vessels had got into Green Bay ahead of us, and had found a harbor at Vermillion Island, and were waiting for us, we proceeded up the Bay, and arrived at Green Bay settlement about two days after, when the troops landed without the anticipated opposition from the Indians.

This was in the month of July, 1816. Green Bay and Prairie du Chien were then the only settlements in what is now the state of Wisconsin, if we except SOLOMON JUNEAU's trading house at Milwaukee,* and they could not well be called settlements according to the American idea of settling and improving a country.

Green Bay was a kind of traders' depot for the trade of that Bay, the Fox and upper part of Wisconsin Rivers, which were considered dependents of it.

There then resided at Green Bay as a trader JOHN LAWE, and four or five at the GRIGNONS. AUGUSTIN GRIGNON resided and traded at the Little Kaukalin. Those traders who pretended to make Green Bay their home, resided generally but a small portion of the year there, as most of them wintered in the Indian country, and generally spent two or three months of the summer at Mackinaw. The traders of Green Bay mostly married, after the Indian manner, women of the Menomonee tribe, there being no white women in the country. I saw at this time but one woman in the settlement that pretended to be white, and she had

* So far as Mr. JUNEAU's name is concerned, this needs a slight correction. Traders were at Milwaukee as early as 1762; and, about 1816, JACQUES VEATX, who had been preceded by one LAFROMBOISE and J. B. BEAUBIEN, commenced wintering there as a trader, and it was not till 1818, that SOLOMON JUNEAU went there, erected a permanent dwelling, and on the 14th of September in that year became the first actual settler of the place. See Hon. M. L. MARTIN'S Historical Address before the Wis. Hist. Society, and vol. 1, p. 35, 134, of the Society's Collections. In a former note, reference was had to the remote Wisconsin settlement, such as it was, at La Pointe, Lake Superior.

accidentally been brought there at an early day, but her history, however, I do not now recollect. There were at Green Bay some forty or fifty Canadians of French extraction who pretended to cultivate the soil; but they were generally old worn out *voyageurs* or boatmen, who having become unfit for the hardships of the Indian trade, had taken wives generally of the Menomonee tribe, and settled down on a piece of land. As the land did not cost anything, all they had to do was, to take up a piece not claimed by any other person, and fence and cultivate it. But they had generally been so long in the Indian trade that they had, to a great extent, lost the little knowledge they had acquired of farming in Canada, so that they were poor cultivators of the soil, although they raised considerable wheat, barley, peas, &c. Green Bay was at that time a part of the territory of Indiana, of which the seat of government was at Vincennes, which was also the county town of the county to which Green Bay was attached—between four and five hundred miles distant by the tedious and circuitous route of that day.

There was an old Frenchman at Green Bay of the name of CHARLES REAUME, who could read and write a little, that acted as Justice of the Peace. He had been commissioned under George III, when Great Britain held jurisdiction over the country, and after it was given up to the American Government and attached to Indiana, he had been commissioned by Governor HARRISON,* and being thus doubly armed with commissions, he acted under either, as he found most convenient. The laws under which he acted were those of Paris† and the customs of the Indian traders of Green Bay. He was very arbitrary in his decisions.

The county seat was so distant and difficult of access, that it a

* Before Judge LOCKWOOD's narrative came to hand, Col. EBENEZER CHILDS, who knew Judge REAUME well, informed the writer of this note, that REAUME received his commission as Justice from Gov. HARRISON, of Indiana Territory, which was probably not long after the organization of that Territory in 1801, from which till 1813, Gen. HARRISON continued uninterruptedly its Governor. L. C. D.

† The code *Coutume de Paris*, the law of France, which governed Canada, and all the territory of the North West while under the French dominion. L. C. D.

person felt himself aggrieved, he preferred suffering injustice to going to the expense of an appeal ; so that, practically, REAUME's court was the Supreme Court of the country. He took care not to decide against any of the traders who were able to bear the expense of an appeal ; in fact the traders made use of him to hold their men in subjection, but never submitted to him any difficulty between themselves. These were left to the arbitration of other traders. It was said of him, that a bottle of spirits was the best witness that could be introduced into his court, and that after the decision of a case, the losing party producing the above witness, has been granted a new trial or rehearing, and a reversal of the former decision obtained. For misdemeanor he sentenced the culprit to labor a certain number of days on his farm, or cut and split a certain number of rails for him. I have read the narrative of JAMES W. BIDDLE, of Pittsburgh, whom I knew at the time, and the anecdotes related by him of Judge REAUME were current at that day, together with many others that would not look well in print.

During my stay at Green Bay waiting the arrival of my employers, one of their "engagees" or boatmen had left their employ and engaged himself to an American concerned in sutling for the troops, and I went to Judge REAUME, stating the case to him, asked him what the law was on that subject, and what could be done. He answered me in his broken English : "*I'll—make—de—man—go—back—to—his—duty.*" "But," I again asked, "what is the law on the subject?" He answered, "*de—law—is—I'll—make—de—man—go—back—to—his—duty.*" I reiterated my inquiry, "Judge REAUME, is there no law on the subject?" He replied, with a feeling of conscious dignity, "*We—are—accustomed—to—make—de—men—go—back—to—their—bourgeois.*" Finding Judge REAUME had no law except his own precedents and the customs of Green Bay, and not believing that American citizens would submit to, and obey the process of his old jack-knife, or the customs of the Green Bay Indian traders,

I concluded to leave the matter until the arrival of my employers, and let them proceed before Judge REAUME, if they thought proper. *

The Indian trade carried on at that day for the Mississippi and Missouri and their tributaries, was from Mackinaw. Until 1816, goods came mostly from Montreal, in batteaux or canoes, mostly by the Mackinaw, or its successor, the South West Company, or by some private traders. But early in 1815, Mr. ASTOR purchased out the interest of the South West Company at Mackinaw and its dependences, and in August, of that year, RAMSAY CROOKS, as already mentioned, went to Mackinaw as agent for Mr. ASTOR, to complete the arrangements. In the spring 1816, the goods of the American Fur Company were imported to New York, and thence brought by way of the Lakes to Mackinaw. During

*Of Judge REAUME, we have learned some additional facts from Hon. SOLOMON JUNEAU, and with reference to his death and burial, from P. G. GRIGNON, through Hon. H. S. BIRD, and also from Col. E. CHILDS. He was born about the year 1752, at La Prairie, nearly opposite of Montreal, of a prominent and respectable family. As mentioned in a note to the 1st vol. of the Wisconsin Soc. Colls., we early find him at Detroit, and in the service of the British Indian department, as a captain, and was among the prisoners taken by the gallant Col. GEORGE ROGERS CLARK at the capture of Vincennes, in February, 1779, and taking the oath of neutrality, was permitted to return to Detroit. In 1790, he settled at Green Bay, and appears to have been, in a small way, and a part of the time, engaged in the Indian trade. His first commission of Justice of the Peace he probably derived from the British authorities at Detroit, before the surrender of that post to the American government in 1796, and he subsequently received a similar commission from Gov. HARRISON of the Indiana Territory. In 1816 and '17, he made his home with JOHN LAWE at Green Bay; and, in 1818, he was appointed by Gov. CASS of Michigan Territory, one of the Associate Justices of the court for Brown county, and the same year, he removed to Little Kaukalin, about ten miles above Green Bay, and there sold liquor to the Indians, not unfrequently drinking freely with them, and sharing in their frays, as well as in blackened eyes and bruises. There he died alone, in the spring of 1822, for he was found dead in his cabin. He was about seventy years of age. His friends at Green Bay had his remains conveyed there, and buried in the old Catholic burial place, which was in the present plat of Astor; but the bodies interred there were subsequently removed to the present burying ground. No tablet marks his grave. He was never married.

In this volume and its predecessor, several anecdotes illustrating Judge REAUME's primitive mode of administering justice, have been given; to which we add the following, from the interesting work of Mrs. KINZIE: "There was an old Frenchman at 'the Bay,' named REAUME, excessively ignorant and grasping, although otherwise tolerably good-natured. This man was appointed Justice of the Peace. Two men once appeared before him, the one as plaintiff, the other as defendant. The Justice listened patiently to the complaint of the one, and the defence of the other; then rising, with dignity, he pronounced his decision: 'You are both wrong. You, BOIS-VERT,' to the plaintiff, 'you bring me one load of hay; and you, CRRLY,' to the defendant, 'you bring me one load of wood: and now the matter is settled.' It does not appear that any exceptions were taken to this verdict."

L. C. D.

that spring, several Montreal traders arriving at Mackinaw with Indian goods, probably not aware of the law of Congress prohibiting British subjects from trading within the American territories, now took advantage of the order of the Secretary of the Treasury, and sent their goods into the Indian country, under the nominal direction of a hired American clerk, to whom the goods were invoiced, and who took the license in his name, and gave proper bonds with security to the traders who owned them, who went along, ostensibly as interpreters, until the boat passed all the American forts and agencies, when they assumed the ownership, and proceeded as usual in their business—these clerks' bonds were considered as a mere formality to evade the law, and were worth so much brown paper, and no more.

In the spring of 1817, the American Fur Company brought a large number of American clerks from Montreal and the United States, some of whom made good Indian traders and are yet in the country, but nearly one half of them were found not qualified for the business, and in the following spring many of them were discharged from Mackinaw, which was then the grand depot of the Indian trade.

The American Fur Company, as had been the practice of the Mackinaw and South-West companies, made their outfits to Lake Superior, to the Mississippi, the head of St. Peters, and the Missouri. The boats for the Mississippi and Missouri trade passed through the north end of Lake Michigan from Mackinaw, thence through Green Bay to the settlement of that name; thence up the Fox River to the Little Kaukalin, where they made a portage of about three-fourths of a mile. AUGUSTIN GRIGNON had a trading house at this point, and kept teams to transport the goods and furs, (the men taking the boats empty up or down the rapids, as the case might be) for which he charged about twenty cents per 100 pounds. The boats then proceeded to Grand Chute, where the men made another portage of the goods or furs, and passed the boat over the Grand Chute empty. Thence they proceeded

to the rapids at the lower end of Winnebago Lake, where they usually made half loads over the rapids into the lake. Thence they proceeded upward to where the Fox river enters the lake, thence up Fox river through Puckawa Lake, and Lac de Boeuf, or Buffalo Lake, and some smaller lakes to the Portage of Wisconsin, where a man by the name of Roy resided, who kept teams and hauled goods, furs and boats across the Portage of one and one fourth miles from the Fox to the Wisconsin river, for which he charged forty cents per 100 pounds, and ten dollars for each boat.

The boats then went down the Wisconsin to its mouth, and thence up the Mississippi about three miles to Prairie du Chien; the traders of the Lower Mississippi and Missouri never going down without a short stop at Prairie du Chien, where they generally spent some days in conviviality, dinners, dancing, &c. Tradition says that many years since, when there were many wintering traders in both the Upper and Lower Mississippi, it was the custom of every trader visiting Prairie du Chien, to have in store a keg of eight or nine gallons of good wine for convivial purposes when they should again meet in the spring, on which occasions they would have great dinner parties, and, as is the English custom, drink largely. But when I came into the country, there were but few of the old traders remaining, and the storing of wine at Prairie du Chien had become almost obsolete, although the traders were then well supplied with wine, and that of the best kind, of which they made very free use. It was then thought that a clerk in charge of an outfit must have his keg of wine, but after the American Fur Company got fairly initiated into the trade, they abolished the custom of furnishing their clerks with this luxury at the expense of the outfit. As I have already said, the Indian trade of the Mississippi and Missouri and their tributaries was carried on from Mackinaw as the grand depot of the trade of the North-West.

The traders and their clerks were then the aristocracy of the country; and to a Yankee at first sight, presented a singular state

of society. To see gentlemen selecting wives of the nut-brown natives, and raising children of mixed blood, the traders and clerks living in as much luxury as the resources of the country would admit, and the *engagees* or boatmen living upon soup made of hulled corn with barely tallow enough to season it, devoid of salt, unless they purchased it themselves at a high price—all this to an American was a novel mode of living, and appeared to be hard fare; but to a person acquainted with the habits of life of the Canadian peasantry, it would not look so much out of the way, as they live mostly on pea soup, seasoned with a piece of pork boiled down to grease; seldom eating pork except in the form of grease that seasons their soup. With this soup, and a piece of coarse bread, their meals were made; hence the change from pea soup to corn is not so great, or the fare much worse than that which they had been accustomed to, as the corn is more substantial than peas, not being so flatulent. These men engaged in Canada generally for five years for Mackinaw and its dependencies, transferable like cattle to any one who wanted them, at generally about 500 livres a year, or in our currency, about \$83 33; furnished with a yearly equipment or outfit of two cotton shirts, one three point or triangular blanket, a portage collar, and one pair of beef shoes; being obliged, in the Indian country, to purchase their moccasins, tobacco, pipes, and other necessaries, at the price the trader saw fit to charge for them. Generally at the end of five years, these poor *voyageurs* were in debt from fifty to one hundred and fifty dollars, and could not leave the country until they had paid their indebtedness; and the policy of the traders was, to keep as many of them in the country as they could; and to this end they allowed and encouraged their *engagees* to get in debt during the five years, which of necessity required them to remain.

These new hands were by the old *voyageurs* called in derision, *mangeurs de lard*—*pork-eaters*—as on leaving Montreal, and on the route to Mackinaw, they were fed on pork, hard bread, and pea-soup, while the old *voyageurs* in the Indian country ate corn-

soup, and such other food as could conveniently be procured.* These *mangeurs de lard* were brought at considerable expense and trouble from Montreal and other parts of Canada, frequently deserting after they had received some advance in money and their equipment. Hence it was the object of the traders to keep as many of the old *voyageurs* in the country as they could, and they generally permitted the *mangeurs de lard* to get largely in debt, as they could not leave the country and get back into Canada, except by the return boats or canoes which brought the goods, and they would not take them back if they were in debt anywhere in the country, which could be easily ascertained from the traders at Mackinaw. But if a man was prudent enough to save his wages, he could obtain passage, as he was no longer wanted in the country.

The engagements of the men at Montreal were made in the strongest language; they bound themselves not to leave the duties assigned them by their employers or assigns either by day or night, under the penalty of forfeiting their wages; to take charge of and safely keep the property put into their trust, and to give notice of any portending evil against their employers or their interests that should come to their knowledge. It was the practice of the traders, when anything was stolen from the goods during the voyage, whether on the boat or on shore, to charge the boat's crew with a good round price for it, and if anything not indispensable was accidentally left on shore at the encampment, they did not return for it, but charged it to the crew, as it was understood to be their duty, not the employer's, to see that every thing was on board the boat. These people in the Indian country became inured to great hardships and privations, and prided themselves upon the distance they could travel per day, and the small quantity of provisions they could subsist on while traveling, and the number of days they could go without food. They are very easily governed by

* The experienced *voyageurs* are called *hivernans* or *winterers*, according to SNELLING'S work on the North-West.

a person who understands something of their nature and disposition, but their bourgeois or employer must be what they consider a gentleman, or superior to themselves, as they never feel much respect for a man who has, from an *engagee*, risen to the rank of a clerk.

The traders in this country, at the time I came into it, were a singular compound; they were honest so far as they gave their word of honor to be relied upon; and, in their business transactions between themselves, seldom gave or took notes for balances or assumptions. It rarely happened that one of them was found who did not fulfill his promises; but when trading in the Indian country, any advantage that could be taken of each other in a transaction, was not only considered lawful—such as trading each other's credit—but an indication of tact and cleverness in business. Two traders having spent the winter in the same neighborhood, and thus taken every advantage they could of each other, would meet in the spring at Prairie du Chien, and amicably settle all difficulties over a glass of wine.

There was not, at the time I came to Prairie du Chien, any Indian corn raised there. The traders for the Upper Mississippi, had to send down, for their corn which they used, to the Sauks and the Foxes at Rock Island, and trade with them for it. It is believed that the first field of corn raised at Prairie du Chien was by THOMAS McNAIR, an American, who had married a French girl and settled down to farming.

The farmers of Prairie du Chien appeared to be a more thrifty and industrious people than those of Green Bay; they raised a large quantity of small grain, such as wheat, barley, oats, peas, and also some potatoes and onions. Every two or three farmers united and had a horse flouring-mill—the stones being cut from the granite rock found in the country. There they ground their wheat, and sifted the flour by hand. The surplus flour was sold to the Indian traders for goods, or exchanged with the Indians for venison, ducks, and geese, or dressed deer-skins, as there was no mon-

ey in circulation in the country. Any purchase made was payable in goods from the traders or flour from the inhabitants.

The manner in which the traders dealt with the farmers was this; to let the farmer set his price on anything that he had to sell, without grumbling or saying anything about its being high, as it was payable in goods; the trader charging his price for the goods—so each party got all he asked, and neither had cause for complaint, but of course the trader was not the loser by the transaction. Mr. MICHAEL BRISBOIS related to me a transaction which took place between himself and a farmer by the name of PIERRE LARIVIERE. This LARIVIERE was ambitious to pass with his neighbors for the best farmer in the country, and went to Mr. BRISBOIS to see what he was paying for flour, which I think was then six dollars per 100 lbs; but LARIVIERE desirous of the opportunity of boasting to his neighbors that he had gotten more for his flour than they did, expressed a wish that Mr. BRISBOIS would pay him more than the market value for his flour, which Mr. BRISBOIS told him he could not do. "Oh," said Mr. LARIVIERE, "you can make it up by charging more for the goods with which you pay me;" and so they closed the bargain, not to Mr. BRISBOIS loss. The prices compared somewhat like this: When flour was worth \$8,00 per 100 lbs., hyson or young hyson tea was worth \$8,00 per pound; if flour was worth only \$6,00, tea would remain the same price, when the farmer got \$9,00 per bushel for onions, and \$1,00 per dozen for eggs, he paid the above price for tea. The women of Prairie du Chien, mostly daughters of the Indian traders, had been raised in the habit of drinking a great deal of tea in the Indian country, where other beverage for children could not be procured, and it thus became from long habit with them almost a necessary of life, and they would make any sacrifice to obtain their favorite beverage. When eggs were worth \$1,00 per dozen, rosin soap was worth \$1,00 per pound, and calico that at this date, would be sold at Prairie du Chien from 20 to 25 cts. per yard, was then sold at \$2,00 per yard; clay pipes at

40 cts. each, and common tobacco at about \$2,00 per pound. So much flour was made at Prairie du Chien at this time, that in 1820 JOSEPH ROLETTE contracted with the Government for supplying the two companies of troops at Fort Crawford with it, they preferring the coarse flour of the Prairie which was sweet, to the fine flour transported in keel-boats in the long voyage from Pittsburgh, which would be sour on its arrival.

Prairie du Chien is generally spoken of as an old settled town. It is true that the Indians inhabited it many years since; and about the year 1737 the French established a trading post there, and built a stockade around their buildings to protect them from the Indians, and from that day until a few years since it continued to be a trading and military post, and occasionally a worn out *voyageur* got married, and settled down on a piece of land. But what advantages were these old trading posts to the settlement and developement of the country—such as Detroit, Kaskaskia, Cahokia, Vincennes, St. Louis and St. Charles? All these places remained stationary for many years, until the Americans emigrated to them, and took hold of them with their enterprise, when they at once improved, and most of them became places of business and importance.

Indian traders, as a class, possess no enterprise, at least none that is of any advantage to the settlement and improvement of a country. They are enterprising in going into the unexplored Indian country to traffic, and collect furs and peltries; but I have never seen a man who made money in the Indian trade, apply it to the ordinary improvements that foster and encourage the growth of a country—they have made money in a certain routine of business, with which they are acquainted, and fear to invest it in some other business with which they are not familiar. Such has been the case with Prairie du Chien, so long noted as a trading post and garrison.

The land about Prairie du Chien was not purchased from the Indians; and none surveyed, except the private claims on the

Prairie, for many years after the Government took possession of it as a military post. There were not, until 1835, any Americans that emigrated to the Prairie for settlement; and even then, as the country about was not in market, very few came,

In the winter of 1818-'19, Illinois was admitted as a State into the Union, and all that part of the country formerly belonging to the territories of Indiana and Illinois was attached to Michigan, then under the governorship of Gen. Lewis Cass. In the spring of 1819, he set off the county of Brown, including all the country East of a North and South line running through the Portage of Wisconsin to the Illinois line; and at the same time, set off the county of Crawford, including all the country West and South of theaforesaid line to the Missouri line, including what is now the State of Iowa and Territory of Minnesota.

Governor Cass sent blank commissions for the different officers of the counties, to be filled up by the inhabitants. These had been sent by Lieut. Col. LEAVENWORTH, then on his way, with the Fifth Regiment of U. S. Infantry, to occupy Forts Crawford and Armstrong, and to build a fort at the mouth of St. Peters. NICHOLAS BOILVIN, Esq., was appointed to administer the oath to the officers of Crawford county. Two companies of the regiment were sent to Fort Armstrong, Rock Island, under command of Brevet Major MASTIN, and two companies to Fort Crawford under Major MÜHLENBERG. Shortly after receiving the blank commissions, the principal inhabitants assembled at the house of NICHOLAS BOILVIN, Esq., and then the difficulty was to find persons sufficiently acquainted with the business to fill the offices and perform the duties. Finally JOHN W. JOHNSON, the U. S. factor, was selected as the Chief Justice of the County Court. I was solicited to take the office of Associate Justice, or Judge of Probate, but being then young, and appearing much younger than I really was, and knowing very little about the proceedings of courts, and thinking that I had neither the practice nor dignity to hold a judicial office, and that I should probably make myself ridiculous,

I declined either of the judgeships, but accepted the office of Justice of the Peace. I had not then decided to make Prairie du Chien my future home, having hitherto spent my winters near the head of St. Peter's river, in the Indian trade; but in the fall of 1819 I took up my permanent residence at Prairie du Chien.

JOHN W. JOHNSON was a man of good sense and judgment, but had from quite a young man held the appointment of U. S. factor, and resided in the Indian country where he could obtain but little knowledge of the proceedings of courts or the ordinary transactions of civilized life. The commissions of Associate Justices were filled up with the names of MICHAEL BRISBOIS* and FRANCIS BOUTHILLIER, both of whom from boyhood had been in the Indian country and had very little opportunity of witnessing proceedings at courts. WILFRED OWENS was appointed Judge of Probate, and NICHOLAS BOILVIN and JOHN W. JOHNSON and myself Justices of the Peace; JOHN S. FINDLEY clerk of the Court; JOHN P. GATES Register of Probate, which also included the recording of deeds, and THOMAS McNAIR was appointed Sheriff. It should be remembered, that all these officers had to enter upon the duties of their several offices without forms to refer to or precedents of proceedings, and it can astonish no person that the records of that day are without much form. Such was the organization of the county of Crawford, and I think that the materials in Brown were not much better, although several Americans by that time had settled at Green Bay.

At the session of Congress of 1819—'20, an act was passed to take testimony relative to the private land claims at Sault St. Marys, Mackinaw, Green Bay and Prairie du Chien, that were reserved to subjects of the British government under Jay's Treaty; and in the fall of 1820, commissioners were dispatched to the different places to take testimony. A Mr. LEE came to Prairie du Chien. The most of those claims at Prairie du Chien were

* Instead of Mr. BRISBOIS, Hon. M. L. MARTIN, in the appendix to his Address before the Historical Society, gives the name of NICHOLAS BOILVIN. L. C. D

found to come under Jay's Treaty, but there were several that wanted a year or more of coming under it. These facts being reported to Congress, they at a subsequent session passed an act giving to every settler who was in possession of land at the date of the declaration of war in 1812 against Great Britain, and who had continued to submit to the laws of the U. S., the lands he claimed. It is a matter of history, that the British took Mackinaw and subjected its dependencies to their government, including all the aforementioned places, and the most part of these claimants were ignorant Canadians and supposed themselves British subjects, not aware that if they did not within a year choose, as stipulated in the treaty, to continue British subjects, they became American citizens; and when the British government took military possession of the country during the war of 1812—'15, the military officers in command considered them as British subjects, and ordered them to do military duty as militia. They were a conquered people, and feeling that they owed no allegiance to the United States, took up arms in obedience to the orders of the British officers. There were some among them intelligent enough to know their position, but had they claimed to be American citizens and refused to take up arms, surrounded as they were by hostile Indians, they would not have been safe—especially as the British officers did not believe in a British subject expatriating himself, and of course there was no law of the United States in the conquered country to submit to. Notwithstanding all these circumstances being known to the officers of the army stationed at Sault St. Marys under Major CUTLER, they got up a remonstrance to the Government, representing these people as traitors; in consequence of which the patents were delayed, to the great annoyance and sometimes to the great injury of the claimants.

Sometime in the year of 1820, * WILFRED OWENS of Prairie du Chien, then connected in business with the late Gov. McNAIR, of

* It was in 1819. CONSTANT A. ANDREWS, who appears to have been from Pennsylvania, and was interested in the Carver claim, wrote from Prairie du Chien, Feb. 1, 1819, to Rev. Dr. SAMUEL PETTES:—
 "I am now building a saw-mill in company with BATELLE, on Yellow River, under a permission ob-

Missouri, furnished the capital, and associated with two other men by the name of ANDREWS and DIXON, built a saw-mill on Black River, and commenced sawing lumber; but before they had done much business the mill was burned, supposed to have been set on fire by the Winnebagoes, who had then lately taken possession of that country, and claimed it as their own. The mill was not rebuilt, owing to the declared hostility of the Winnebagoes to it.

In the year 1820-'21, the county authorities of Crawford erected a jail in the old village of Prairie du Chien, in the rear of village lot No. 17 of that village, made of hewn oak logs of about one foot square; the house was about 25 by 16 feet, and divided by the same kind of logs into a debtors' and criminals' apartments*.

There is a tract of land nearly opposite the old village of Prairie du Chien in Iowa, which was granted by the Spanish Lieut. Governor of Louisiana to one BAZIL GIRARD, and running through it, was a small stream or brook usually called Girard's Creek; but, in 1823, the commandant of Fort Crawford had a party of men detailed to cultivate a public garden on the old farm of Girard, on said creek, and MARTIN SCOTT, then a Lieutenant of the fifth infantry, and stationed at Fort Crawford, was directed to superintend the party. Fond of shooting, and a great shot generally, he took his dogs and gun every morning, got into his little hunting canoe, and spent the day in shooting wood-

tained from the commanding officer. * * * For my own part, I apprehend no difficulty, if you obtain permission from the Secretary of War, and can make them [the Indians] some presents." On the 10th Nov. 1819, Mr ANDREWS writes to Dr. PETERS, from "Falls Black River:" On the 2d day of November I set a saw-mill a running, not much inferior to any in the United States. * * * The mill is about thirty or forty miles east of Lake Pepin. The Sioux very willingly gave us permission to come here. There were seven chiefs in council—LEFOY not there; the seven gave us five years; LEFOY came back after, and gave it forever. I am very much pleased with my situation. I was obliged, on account of iron, to go to the Prairie once, but was overjoyed on my arrival back, and now regret to leave sight of the mill." * * * Here I am happy to live—here I am willing to die. See Am. State Papers Public Lands, IV. p. 22. L. C. D.

* At this old log jail, a sergeant of the first regiment of U. S. Infantry was hung, in 1828, for shooting Lieut. MCKENZIE of the same regiment; and in 1833 or '34, a soldier of that regiment was executed there for shooting Sergeant COFFIN in the new Fort Crawford. The old jail was burnt in 1834.

cocks which were plenty in the marshes about there, and returning in the evening would boast of the number that had bled that day. After a while he gave the creek the name of *Bloody Run*, which name it still bears. The name generally suggests to strangers the idea of some bloody battle having been fought there, and I have been frequently questioned as to the tradition relative to it, and a few years since the editor of our village paper had somewhere picked up the same romantic idea, and published a long traditionary account of a bloody battle pretended to have been fought there years ago. But the creek is indebted for its name to the hunting exploits of Major MARTIN SCOTT, when a lieutenant, and stationed at Fort Crawford*.

On the 16th of September, 1816, I arrived at Prairie du Chien, a traders' village of between twenty-five and thirty houses, situated on the banks of the Mississippi, on what, in high water, is an island. The houses were built by planting posts upright in the ground with grooves in them, so that the sides could be filled in with split timber or round poles, and then plastered over with clay, and white-washed with a white earth found in the vicinity, and then covered with bark, or clap-boards riven from oak.

This village, now called the old village of Prairie du Chien, was designated by LYONS as the main village, as it was so at the time he surveyed the private land claims of Prairie du Chien.—Tradition says the place took its name from an Indian Chief of the Fox tribe by the name of CHIEN, or *Dog*, who had a village somewhere on the Prairie near where Fort Crawford now stands.—CHIEN or *Dog* is a favorite name among the Indians of the North-West.

* SCOTT, at this date, was a young man, and had been but a few years in the army. He was a native of Bennington, Vermont, and was educated at West Point. In his youth, he was famous among the sharpshooters of the Green Mountains, never shooting game in the body, but, at whatever height or distance, always striking the head. He would drive a nail into a board part way with a hammer, and then, taking the farthest distance at which his eye could distinctly see it, drive it home with his unerring bullet. He served with distinction in the Mexican war under Gen. SCOTT, and at nearly the close of that brilliant campaign, Brevet Lieut. Col. MARTIN SCOTT was killed at the sanguinary battle of Molino del Rey, Sept. 8th. 1847. He had seen much hard service, and always conducted himself with great skill, caution and intrepidity, and was respected and beloved for his integrity of character, and for his great kindness and benevolence of heart.

There were on the Prairie about forty farms cultivated along under the bluffs where the soil was first rate, and enclosed in one common field, and the boundaries generally between them marked by a road that afforded them ingress and egress to their fields; the plantations running from the bluffs to the Mississippi, or to the slough of St. Freole, and from three to five arpents wide. The owners did not generally live immediately on their farms, but clustered together in little villages near their front, and were much the same description of inhabitants as those of Green Bay, except that there were a number of families of French extraction, entirely unmixed with the natives, who came from the French villages of Illinois. The farmers' wives instead of being of the Indian tribes about, were generally of the mixed blood.— They were living in Arcadian simplicity, spending a great part of their time in fishing, hunting, horse racing or trotting, or in dancing and drinking. They had little or no ambition for progress and improvement, or in any way bettering their condition, provided their necessities were supplied, and they could often collect together and dance and frolic. With these wants gratified, they were perfectly satisfied to continue in the same routine and habits of their forefathers before them. They had no aristocracy among them except the traders, who were regarded as a privileged class.

It was said, that about 1809 or 1810, a trader, an Irishman by birth, of the name of CAMPBELL, was appointed by the U. S. government sub-Indian agent at Prairie du Chien, and by the Governor of the Territory of Illinois a Justice of the Peace. The currency of Prairie du Chien was at that time flour, and CAMPBELL charged for celebrating the rites of matrimony 100 pounds of flour, and for dissolving it 200 pounds, alleging that when people wanted to get unmarried, they would willingly give double what they would originally to form the matrimonial connection.

In speaking of the courts of justice of the country, and of their county seats, Mr. BRISBOIS related to me, that sometime previous to the war of 1812, he and Mr. CAMPBELL had a dispute about a heifer that was worth at the time perhaps eight dollars; and as

each believed it to be his property, they applied to the lawyer at Cahokia to assist them in finding out who was the real owner.— The mode of traveling in those days was in a canoe, manned with six or eight men to paddle, and taking with them some flour, tea and sugar for the bourgeois; and some hulled corn and deer tallow, enough to season the soup for the men, depending upon shooting game by the way, or buying wild fowl or venison from the Indians. The parties litigant were obliged to take their witnesses with them, paying them for their time and expenses, from their departure until their return home. The parties were also obliged to take a bundle of beaver skins, and dispose of them at St. Louis to pay the expenses of lawyers, &c; and the lawyers, as usual, were disposed to oblige the parties by putting over the case from time to time, and the parties continued the suit in this manner until it had cost them about fifteen hundred dollars each, when they took it out of court and settled it. But which retained the heifer, if I ever heard, I do not now recollect.

The *coutume de Paris* so far prevailed in this country generally, that a part of the ceremony of marriage was the entering into a contract in writing, generally giving, if no issue, the property to the survivor; and if they desired to be divorced, they went together before the magistrate and made known their wishes, and he, in their presence, tore up the marriage contract, and according to the custom of the country, they were then divorced. I was once present at Judge ABBOTT's at Mackinaw, when a couple presented themselves before him, and were divorced in this manner. When the laws of Michigan were first introduced at Prairie du Chien, it was with difficulty that the Justice of the Peace could persuade them that a written contract was not necessary, and some of them believed that because the contract of marriage gave the property to the survivor, that they were not obliged to pay the debts which the deceased owed at the time of his death.

There was an instance of this at Prairie du Chien. A man by the name of JEAN MARIE QUEN (de Lamouche), who had been

married by contract, died without issue, leaving a widow, some personal property and a good farm, but was indebted to JOSEPH ROLETTE about \$300, which his widow refused to pay, alleging that the contract of marriage gave her all the property; nor could she be convinced to the contrary, until I had brought a suit against her and obtained a judgment.

When I arrived at Prairie du Chien, there were four companies of riflemen under command of Brevet Major MORGAN, building the old fort, which was constructed by placing the walls of the quarters and store houses on the lines, the highest outside, and the slope of the roof descending within the fort; with block-houses at two corners, and large pickets at the others, so as entirely to enclose the fort. JOHN W. JOHNSON, a gentleman from Maryland, was U. S. Factor, with a certain Mr. BELT as assistant and book keeper, and JOHN P. GATES as interpreter. Col. ALEXANDER MCNAIR, late Governor of Missouri, had the sutling of the fort, and his nephew, THOMAS MCNAIR, and JOHN L. FINDLEY, were the clerks in his employ, and had charge of the business.

There were then of the old traders residing at Prairie du Chien JOSEPH ROLETTE, MICHAEL BRISBOIS, FRANCIS BOUTHILLIER and JEAN BAPTISTE FARRIBAULT, all Canadians of French extraction, except FRANCIS BOUTHILLIER who was from France, and NICHOLAS BOILVIN who was Indian agent, and held the commission of Justice of the Peace under the government of Illinois Territory, whence he came.

At this time at Prairie du Chien the events of the war of 1812 in that quarter, were fresh in the minds of every one. I learned that in the spring or summer of 1814, the U. S. Government sent boats, made bullet proof, under a Captain YEISER, who was in command of the boats, and a company of U. S. troops, under Lieut. PERKINS, to take and retain possession of Prairie du Chien. PERKINS built a stockade on a large mound, on which Col. DOUGMAN's house now stands, and Capt. YEISER remained on board the

boats, where most of the amunition and provisions were stored, as there was no room for them within the stockade.

Soon after the breaking out of the war, when the American officers in garrison at Mackinaw, and the citizens of that place were yet ignorant of the commencement of hostilities, but apprehensive that war had been declared, some traders were despatched to the old British post and settlement of St. Josephs, on the eastern shore of Lake Michigan, for intelligence. As none of the traders returned, remaining absent so much longer than was deemed necessary, it naturally enough excited the suspicions of the commanding officer and the principal citizens of Mackinaw. Under the circumstances, a council was held, at which it was determined that immediate information must be had from St. Josephs, and the question then was, who could go there and not be suspected of being a spy. After looking around and finding none qualified to go, the late MICHAEL DOUSMAN, of Mackinaw, said that he had an outfit in Lake Superior that ought, by that time, to be at St. Josephs, and he thought that he could go there and look after his property without being suspected. Accordingly he volunteered his services, and late in the afternoon he left Mackinaw for St. Josephs in a canoe. About dark, at Goose Island, fifteen miles from Mackinaw, he met the British troops on their way to that place, who took him prisoner, but released him on his parole that he would go back to Mackinaw, and not give the garrison any information of what he had seen, but collect the citizens together at the old still-house on the southern side of the island, where a guard would be immediately sent to protect them from the Indians. This promise Mr. DOUSMAN faithfully performed, and was probably the cause of saving many an innocent family from being brutally murdered by the savages. The British arrived, planted their cannon during the night, and in the morning sent in to the commanding officer a copy of the declaration of war, with a demand for him to surrender, which he complied with.

The traders in the British interest, resorting to Mackinaw as the British head-quarters of the North-West, learning of the Ameri-

can occupation of Prairie du Chien in 1814, and anticipating, that so long as this force should remain there, they would be cut off from the trade of Prairie du Chien, its dependencies, and the Sioux country, at once set on foot an expedition for the re-capture of that place. The British officers and traders accordingly fitted out an expedition under the command of Col. McKAY, of the Indian department, an old trader; and under him were, a sergeant of artillery with a brass six pounder, and three or four volunteer companies of the Canadian *voyageurs*, commanded by traders and officered by their clerks, all dressed in red coats, with probably one hundred Indians, officered by half-breeds.* Having made a secret march they arrived on the Prairie without being expected, and made the best display of red coats and Indians that they could. They made a formidable show, and the Americans not knowing of what materials they were composed, and supposing they were all British regulars, appeared to have been panic-struck. The sergeant had brought his field piece so well to bear that he hit one of the boats, I believe the one YEISER was in. During this time the troops and Indians had made a move towards the fort, but keeping out of gun shot. On the boat being hit, Capt. YEISER had the cable cut, and swung round down the river, ordering the others to do the same, carrying with them the provisions and amunition of the garrison. After the boats had gone, Col. McKAY summoned the fort to surrender, and having neither provisions nor amunition they had no other alternative, and accordingly surrendered. The British took and kept possession of Prairie du Chien until peace, in 1815, thus opening the Indian trade to the traders at Mackinaw. The inhabitants of Prairie du Chien being British subjects, were ordered into service by the British government to do duty in the garrison during the war. The British sergeant of artillery for hitting the keel-boat, was promoted by his government.

Of the persons spoken of as resident traders of Prairie du Chien,

* There were at least a thousand Indians under Col. McKAY, as stated in the accounts of the time, and not less than three pieces of light artillery.

JOSEPH ROLETTE, in connexion with the Indian trade, carried on farming, after the fashion of the country, pretty extensively. MICHAEL BRISBOIS, besides being a trader, carried on the business of baking, and farming to some extent, receiving of the inhabitants 100 pounds of flour and giving in return tickets for fifty loaves of bread, and these tickets made a convenient change to buy trifles of the Indians with. None of the inhabitants pretended to make their own bread, but depended entirely upon the bake-house. JEAN BAPTISTE FARRIBAULT did something in the line of Indian trade, and carried on a small farm, but soon after left the Prairie to reside on the St. Peters River. *

Among the other inhabitants of notoriety at that time, was a Mrs. MENARD, of mixed African and white blood. She came from some one of the French villages below, and was then married to CHARLES MENARD, a Canadian of French extraction. She had been married twice previously, first to a man by the name of DU CHOUQUETIE, by whom she had two sons, one of whom was in the employ of Mr. ASTOR in that unfortunate expedition of his sent in 1810 by sea and across the continent to the mouth of the Columbia River, now Oregon Territory. Her next husband was named GAGNIER, by whom she had three sons and three daughters. After GAGNIER's death, she married CHARLES MENARD, by whom she had three sons and two daughters. She was generally called by the inhabitants Aunt MARY ANN, and was a person of consequence among them, being midwife, and the only person pretending to a knowledge of the healing art. Until a fort was erected at Prairie du Chien, and a surgeon arrived there with the troops, she was sent for by the sick, and attended them as regularly as a physician, and charged fees therefor, giving them, as she expressed it, "device and yarb drink." She was an excellent nurse, and even after there were regular surgeons of the army stationed at Fort Crawford, MARY ANN continued to practice among the in-

* We learn from the Annals of the Minnesota Historical Society, that as early as 1806, FARRIBAULT encamped opposite Mendota, Minnesota, trading with the Indians; and, in 1822, he formed one of the constituent members of the Columbia Fur Company, of Minnesota. From the American State Papers, he appears to have removed to the St. Peters, in 1819.

habitants. Whether they employed her because they had more faith in her skill, or because they could pay her with more ease, as she took her pay in the produce of the country, but was not very modest in her charges, I cannot with certainty state; and frequently after the army physician had attended a patient along time, who perhaps for want of good nursing could not be cured MARY ANN would take the patient home with her, and by the force of good nursing and "yarb drink" restore him to health, so that we frequently joked the physician about MARY ANN's superior skill in the healing art. There are at this time many of her descendants residing at Prairie du Chien, who are generally as industrious and orderly inhabitants as any others.

MR. CAMPBELL, of whom I have previously made mention as Indian Agent and Justice of the Peace, had passed to his long home before I came to the country, and I found a Canadian of French extraction by the name of NICHOLAS BOILVIN clothed with the dignified office of Sub-Agent and Justice of the Peace. He had about the same amount of education as Judge REAUME of Green Bay, previously spoken of, and about the same idea of justice, and was nearly as arbitrary. His law library consisted of a single volume of old statutes of the North Western Territory, one of Illinois, and one of the Missouri Territory; but in deciding cases he paid no attention to the statute, but decided according to his own idea of right and wrong.*

* COL. BOILVIN'S two volumes formed probably the first law library in Wisconsin, except perhaps Judge REAUME'S single volume of Blackstone; one of which is now, by the courtesy of Judge LOCKWOOD among the collections of the Wis. Hist. Society. He did not probably often consult them, if we may judge from his off-hand manner of administering justice, as related by Mrs. KINZIE in her *Wau-Bun*. "Col. BOILVIN'S office was just without the walls of the fort at Prairie du Chien, and it was much the fashion among the officers to lounge in there of a morning, to find sport for an idle hour, and to take a glass of brandy and water with the old gentleman, which he called taking a little '*quelque-chose*.' A soldier, named FRY, had been accused of stealing and killing a calf belonging to M. ROLETTE, and the constable, a bricklayer of the name of BELL, had been dispatched to arrest the culprit and bring him to trial. While the gentlemen were making their customary morning visit to the Justice, a noise was heard in the entry, and a knock at the door.

"Come in," cried the old gentleman, rising and walking toward the door.

Bell—Here sir I have brought FRY to you, as you ordered.

Justice—Fry, you great rascal! What for you kill M. ROLETTE'S calf?

Fry—I did not kill M. ROLETTE'S calf.

Justice—(shaking his fist) You lie, you great rascal! BELL, take him to jail. Come, gentlemen, come, let us take a little *quelque-chose*."

L. C. D.

Col. ALEXANDER McNAIR of St. Louis, had, as already mentioned, for his clerks in the sutling business, his nephew THOMAS McNAIR, afterwards captain of the militia, and JOHN L. FINDLEY — But THOMAS McNAIR shortly afterwards married a daughter of Mr. CURTOIS, a respectable farmer of French descent, and FINDLEY married a Miss HURTILEESE, a half sister of Mrs. ROLETTE, and a quarter blood of the Sioux nation. Upon learning these transactions of his clerks, Col. McNAIR naturally concluded that they were attending more to their own pleasure than to his matters, and sent a man by the name of WILFRED OWENS, a Kentuckian, to whom he gave an interest in the business, and discharged McNAIR and FINDLEY from his employ.

McNAIR went to farming. FINDLEY went to Mackinaw, and procured, by the assistance of Mr. ROLETTE, a small assortment of goods, and attempted to trade at Prairie du Chien; but as there was then no money in circulation, except what little came from the few troops stationed at the fort, and goods were then selling very high at Mackinaw, he did not succeed in business, and before the close of the year turned over to Mr. ROLETTE his stock and assets towards the payment of the purchase, which was made of MESSRS. BERTHELOTTE and ROLETTE.

In the spring of 1817, a Roman Catholic Priest from St. Louis called PÈRE PRIERE, visited Prairie du Chien. He was the first that had been there for many years, and perhaps since the settlement, and organized the Roman Catholic Church, and disturbed some of the domestic arrangements of the inhabitants. He found several women who had left their husbands and were living with other men; these he made by the terror of his church to return and ask pardon of their husbands, and to be taken back by them, which they of course could not refuse.

Brevet General SMYTHE, the Colonel of the Rifle Regiment, who came to Prairie du Chien to erect Fort Crawford in 1816, had arrived in June, and selected the mound where the stockade had been built, and the ground in front, to include the most thick-

ly inhabited part of the village. The ground thus selected encroached upon the ancient burying ground of the Prairie, so that the inhabitants were obliged to remove their dead to another place.

During the winter of 1816 or early in the spring of 1817, Lieut. Col. TALBOT CHAMBERS arrived at Fort Crawford, and assumed the command, and the houses in the village being an obstruction to the garrison, in the spring of 1817, he ordered those houses in front and about the fort to be taken down by their owners, and removed to the lower end of the village, where he pretended to give them lots. When Gen. SMYTHE first arrived at Prairie du Chien, he arrested MICHAEL BRISBOIS, then the most prominent citizen of the Prairie, and placed him under a guard of soldiers for several days, charging him with treason, for having taken up arms against the United States. After keeping him in duress for several days, he was sent on board of a boat under a guard to St. Louis, Gen. SMYTHE refusing to let Mrs. BRISBOIS send her husband a package of beaver to raise money in St. Louis to pay his expenses. The guard took him to St. Louis and landed him on the levee, where they left him, not having delivered him over to the civil authorities, or instituted any proceedings against him, but left him there without money or means to return home. But Mr. BRISBOIS was known in St. Louis, at least by reputation, and readily found friends who assisted him to return home. During his absence the commandant, who I believe was Lieut. Col. HAMILTON, ordered Mrs. BRISBOIS and family out of her house, and took possession of it, in which to spread the contractor's flour to dry; and also took possession of Mr. BRISBOIS' bake-house, with about two hundred cords of dry oven wood, which was used by the commissary or contractor, for which aggressions and injuries Mr. BRISBOIS received no compensation.

Although in a time of peace, and our Government had received the country by treaty stipulation, the officers of the army treated the inhabitants as a conquered people, and the commandants as-

sumed all the authority of governors of a conquered country, arraigning and trying the citizens by courts-martial, and sentencing them to ignominious punishments. This was more particularly the case under the reign of Col. CHAMBERS, who was a brave soldier in the field, but a weak man and not qualified for a commandant, as he was generally governed by some favorite officer or officers, who not being responsible for the outrage committed by their superior, would induce him to do acts to gratify their whims or prejudices.

CHARLES MENARD, the husband of the notable MARY ANN, was arrested, having been charged with selling whiskey to the soldiers. He was brought about five miles from his residence under a guard, tried by a court-martial, whipped, and with a bottle hung to his neck, marched through the streets, with music playing the *Rogue's March* after him. MENARD protested that he had not sold liquor to the soldiers, but that they had asked him for it, and that he refused to let them have any, as he did not keep liquor for sale.

And during Col. CHAMBERS' reign, for some alleged immoral conduct he banished JOSEPH R. LERTE to an island, about seven miles above Prairie du Chien, where he obliged him to pass the winter, but in the spring permitted him to return to the village to attend to his business, as his outfits were coming in from the Indian country.

Mr. BRISBOIS informed me that he had resided in Prairie du Chien about thirty years; * and there was an old Scotchman by the name of JAMES AIRD, † connected with the company by which I was first employed in the Indian trade, who generally wintered

* Mr. BRISBOIS, in 1820, gave evidence before Mr. LEE, the government commissioner, that he had been thirty-nine years in the country, and was then sixty years of age; and this would give the year 1781 as the year of his coming to Prairie du Chien.
L. C. D.

† Mr. AIRD was from Mackinaw, and was a worthy man and enterprising trader. His field of operations was mainly with the Sioux or Dakotas, in what is now Iowa and Minnesota. On the return of LEWIS and CLARK's expedition in 1806, they met Mr. AIRD with two trading boats above the Big Sioux River, on the Missouri; and in their Journal they speak of him as "a very friendly and liberal gentleman." In 1812, he had a trading post at Mendota.
L. C. D.

among the Sioux Indians, and had been a trader about forty years. There was also another man by the name of DUNCAN GRAHAM, who had been engaged in the Indian trade about the same length of time, and was captain in the British Indian Department during the war, from whom I obtained considerable information of the Indian country, and of the earlier days of Prairie du Chien.

Prairie du Chien was, at this time, an important post for Indian trade, and was considered by the Indians as neutral ground, where different tribes, although at war might visit in safety; but if hostile, they had to beware of being caught in the neighborhood, going or returning. Yet I never heard of any hostile movement on the Prairie after they had safely arrived.

The factories which JOHN W. JOHNSON had charge of, were established by an act of Congress previous to the war of 1812, for the humane purpose of preventing the British traders from extortions on the Indians, and of counteracting British influence over them, which they exercised through the traders. But unfortunately they had the contrary effect, and through the bad management of the traders, the Government of the United States was made to appear contemptible in the eyes of the Indians. The idea was then prevalent in the U. S., that the most sleazy and cheap goods were what the Indians wanted, whereas the blankets furnished by the British traders, although of coarse wool, were thick and substantial, and so were the cloths and calicoes, while those furnished by the Americans were greatly inferior. It was many years before Mr. Astor, with all his wealth and sagacity, could obtain in England suitable blankets and cloths for the Indian trade, and also the proper guns. There was, at that time, an Indian gun manufactured in England, called the North West gun, of simple, plain and strong construction, and it was understood that the manufacture of blankets, cloths and guns was so much under the influence of the North West Fur Company, that an American could not procure the genuine article, and hence the goods furnished by the factors were all of an inferior article, except

tobacco; and the British traders took especial pains when they happened to have a poor article, to call it American. They had been furnished for many years with their tobacco from Albany, an inferior article, made into carrots of from two to three pounds: and when the American tobacco in plugs, and of a tolerable good quality, was introduced among them, they admitted that it was the best.

When I first came to the country, it was the practice of the old traders and interpreters to call any inferior article of goods American, and to speak to the Indians in a contemptuous manner of the Americans and their goods, and the goods which they brought into the country but too generally warranted this reproach. But after Mr. Astor had purchased out the South-West Company and established the American Fur Company, he succeeded in getting suitable kinds of goods for the Indians, except at first the North-West Indian gun. He attempted to introduce an imitation of them, manufactured in Holland, but it did not succeed, as the Indians soon detected the difference.

At that time there were generally collected at Prairie du Chien by the traders and U. S. factors, about three hundred packs of one hundred pounds each of furs and peltries, mostly fine furs. Of the different Indian tribes that visited and traded more or less at Prairie du Chien, there were the Menomonees from Green Bay, who frequently wintered on the Mississippi; the Chippewas, who resided on the head waters of the Chippewa and Black rivers; the Foxes, who had a large village where Cassville now stands, called Penah—i. e. Turkey; the Sauks, who resided about Galena and Dubuque; the Winnebagoes, who resided on the Wisconsin River; the Iowas, who then had a village on the Upper Iowa River; WABASHAW's band of Sioux, who resided on a beautiful Prairie on the Iowa side of the Mississippi, about one hundred and twenty miles above Prairie du Chien, with occasionally a Kickapoo and Pottawattamie.

The Sauks and Foxes brought from Galena a considerable quan-

tity of lead, moulded in the earth, in bars about two feet long, and from six to eight inches wide, and from two to four inches thick, being something of an oval form, and thickest in the middle, and generally thinning to the edge, and weighing from thirty to forty pounds. It was not an uncommon thing to see a Fox Indian arrive at Prairie du Chien with a hand sled, loaded with twenty or thirty wild turkies for sale, as they were very plenty about Cassville, and occasionally there were some killed opposite Prairie du Chien.

About the year 1822, a man by the name of HARDIN PERKINS, from Kentucky, came to Prairie du Chien for the purpose of building a saw-mill in the Indian country, and obtained permission from Major TALIAFERRO, then agent for the Sioux Indians, with the consent of the Indians, to erect a saw-mill on their land on the Chippewa river and tributaries; but PERKINS not having the capital to carry out his project, or sufficient influence to obtain the permission of the Indians to erect this mill, solicited JOSEPH ROLETTE and myself to join him, which we did, and contracted with WABASHAW's band of Sioux, who claimed the Chippewa River country, for the privilege of erecting a mill and cutting timber for it, paying them about \$1000 per year in goods, and furnished PERKINS the necessary means for the purpose; and he was to take charge of and conduct the business. He proceeded to Menomonee River, a tributary of the Chippewa, and on a small stream running into the Menomonee, about twenty miles from its mouth, erected a saw mill and had it so near done that he expected to commence sawing in a very few days, when one of those sudden freshets to which hilly countries are subject, came upon him and swept away the dam, mill and appendages, and PERKINS returned to Prairie du Chien with his family and hands, having suffered during his residence there considerable from fear of the Chippewa Indians who resided near, and sometimes visited the mill builders.

Col. SNELLING, who commanded at Fort Snelling, had frequently

since PERKINS and his men commenced operations, threatened to send a force and destroy the mill, saying the Indian Agent had no authority to give permission to build mills in the Indian country. The parties being pretty well convinced of the fact, and that Col. SNELLING had malice enough to carry out his threat, if for nothing else but to punish Mr. ROLETTE, with whom he had some difficulty, concluded not to rebuild, until they could be authorized by some better authority, supposing then that the Secretary of War had that power; and Mr. ROLETTE and myself made up our minds to pocket the loss, and let PERKINS off with the loss of the few articles he had furnished and his services, which amounted to about fifteen hundred dollars. It proved a bad speculation to all parties. The annuity we agreed to pay the Indians for the privilege of building the mill and cutting timber, being stopped during the time there was no work on the mill, the Indians insisted upon its payment, and inquired the reason we did not go on with the work. We were obliged to tell them that their Great Father would not allow us to do so. They said they had given us permission, and that the country was theirs, and their Great Father had no right to say anything about it.

In the fall of 1829, returning from St. Louis, I met at Galena Major JOHN BIDDLE of Detroit, who had then been elected our delegate to Congress from Michigan, and enquired what he could do for me, or the people of Prairie du Chien at Washington. I then related to him the situation in which I and Mr. ROLETTE were placed with regard to the mill and annuities to the Indians. He told me that when I got home, if I would address him at Washington, stating our case, that he would attend to it. I wrote to him a full statement of the case and difficulties, and Major BIDDLE obtained for us from the Secretary of War permission to erect mills, &c., provided we contracted with the Indians through the Indian Agent at Prairie du Chien.

We renewed our contract with the Indians, through their agents, and in May, 1830, sent a mill-right who was also a partner, a su-

perintendent, carpenter and blacksmith, with laborers, provisions, teams, and tools, to erect a mill on the Chippewa River or its tributaries. The mill-right selected the site of the old dam of PERKINS for his dam, and built the mill on the Menomonee River, and dug a canal across a point of land from the small stream to the mill. The hands we were obliged to employ were mostly Canadians, and we engaged the wife of one of them, a Menomonee half breed, as cook for the hands. Few Americans can manage the Canadian *voyageurs* to advantage. They suppose that they must be treated with the same familiarity as American laborers, and reason them into doing their duty; but this is not the proper treatment. The *voyageur* has been so long accustomed to look upon his employer as his superior, and to be treated by him as his inferior, that so soon as he is treated as American hands expect to be treated by their employer, they at once conceive a contempt for him, and become mutinous. Such was the case with our superintendent, and he proved not to be qualified to superintend any kind of men or business, and all the hands looked upon him with contempt.

Three or four Chippewas came to them and the Menomonee half breed woman, she being the only one that understood the Chippewa language, and told them that if they did not leave there they would kill them all. This was about night-fall, and the superintendent was so much alarmed that at dark he got into a canoe with one man, as much frightened as himself, and went down in the night over the rapids, that were difficult to navigate even in the day time, leaving orders with the men to load the provisions, tools, &c., into the boat, and to start in the morning down the Chippewa River near to its mouth, which they did, driving the oxen by land. The superintendent, whose name was ARMSTRONG, arrived at the Prairie evidently much alarmed, and gave me a terrible account of his escape; and not until he had been at the Prairie some considerable time did he inform me that he had ordered all the men to leave the mill, and that they were probably

on their way down. I was then satisfied that my presence was required there, unless I intended to abandon the mill; and it being in the hot weather of August, I did not feel much inclined to make a voyage in a canoe exposed to the sun, but from the materials we had to deal with, I saw at once that it was necessary.

I had a canoe manned with a half breed Winnebago, who spoke Chippewa, and together with ARMSTRONG and the Frenchman who had come down with him, put out at once, taking in my canoe provisions enough for myself and crew to reach the mill. We had proceeded about forty miles up the Mississippi, when early in the morning at a sand-bar, in the middle of a channel, and about one fourth of a mile from the shore, I met a canoe with a Menomonee half-breed and a large athletic Ohioan by the name of HARTWELL, whom I had never seen before. ARMSTRONG had engaged him as carpenter, and taken him to the mill without my having seen him, or knowing his name. I asked them where they were going, and they said to the Prairie. I said, "no!—you must return with me." I knew that the half-breed would obey without difficulty, but HARTWELL said he was going to the Prairie, and I knew in order to take all of them back, I must take these back as I met them. HARTWELL was a strong man and armed with a rifle, but I said to him, "this canoe at least is mine, and does not go to the Prairie; you can take your choice, either to go back, or to remain on this sand-bar."

He concluded to go back, and for fear that they might give me the slip, I got into the canoe with them and we proceeded up the river about ten miles farther, where we met all the Canadians with the half-breed Menomonee woman, when we all put ashore. I told them that they must go back to the mill, which they refused to do. I soon discovered, as I had suspected, that the woman was the leader of the party, and I bribed her to go back. She consented, and the others followed her example. She and her husband were in a large canoe, not half finished, which would go hard up stream. From the manner of her consenting so readily

to return, I suspected that she intended as soon as they could lag a little behind, and get some point between me and them, to slip down the stream, which I afterwards learned was really their intention; to prevent which, I told them, as they were weak-handed, and had a heavy canoe, that I would embark with them and help them paddle. I paddled all day, and made a good day's work up stream, and encamped in a channel of the river opposite to WABASHAW'S Prairie.

The men had only taken provisions enough to last them to the Prairie, and it was soon seen that my stock would not be sufficient for the additional mouths until we reached the boat. In camp at night one of the men named FRANCIS LA POINTE, a native of Prairie du Chien, and well acquainted with the customs of the Indians, told me that it was but a short distance across the country to the Chippewa, where the boat then was; and proposed to go there, take a canoe and meet us with provisions, which I requested him to do. He accordingly after breakfast borrowed a gun, took some crackers in his pocket, and started across, while we proceeded up the channel along under the bluffs for about five miles to where the canoes cross the Mississippi to the western side. Just as we were about putting off from the shore, LA POINTE came running down the hill hallooing "Indians!" The canoes were all putting out into the river, but I ordered the canoe that I was in to put to shore, and take the man in, confiding, at the time, in his statement.

LA POINTE had on, when he started, two cotton shirts, and when he returned one of the shirts was nearly cut from him, and several stabs through the other. He had thrown away all his ammunition and his hat, and stated that after crossing the hill and getting into a ravine of tall grass, that five Chippewa Indians suddenly surrounded him, took away his powder, shot and provisions, cut his hat and shirt all to pieces, called him a dog, and would have taken his gun had he not begged hard to retain it, telling them that it was not his. He told so probable a story of what would

naturally be the conduct of a war party of Indians, that I at first believed him, but we stopped shortly after for dinner, and although the men pretended to be much afraid of the Indians, I discovered something in their conduct that satisfied me, that it was a hoax. They proposed to turn back to Prairie du Chien for fear of the Indians, but I told them that I was never in the habit of turning back through fear, until I saw there was really danger, and that I did not require them to run any risk which I would not myself freely share.

We finally proceeded on quietly until near the mouth of Riveire Au Boeuf or Buffalo River, when ARMSTRONG and the man who came down with him, who were actually in great fear, as they were not in the secret of the plot, discovered an Indian on the bluffs below its mouth, or imagined they did, and gave the alarm of "Chippewa!" But we met some Sioux at the foot of the bluffs, and they said that it could not be Chippewas, as they had the day before been hunting over there and thought it probable that some of their people might still be hunting there. So we proceeded to a point opposite to the mouth of the Chippewa River, and encamped for the night.

So much had been said about danger from the Chippewas, that I began to believe there was something in it, and must confess that the next morning I entered the narrow mouth of the Chippewa, fringed with bushes, with some fear that some Indian might be hid, and fire upon us without giving notice of his presence; but once in, the feeling of fear wore off, and we proceeded on with little to eat until about 10 o'clock, when we came to a Menomonee lodge, where we found a great deal of venison, and a quantity stuck up around the fire cooking, to which we did ample justice. We then proceeded about ten miles up the river, where we found the boat and three Americans who had remained with it. But they refused, as well as the Canadians to go back to the mill under the superintendence of ARMSTRONG; and from all accounts of the men, as well as from what I had seen of him, I was

satisfied that he was not calculated to conduct such a business, and I concluded that the best way to get rid of him, was to purchase him out, even if I had to give more than he was justly entitled. His fear of the Chippewas was such, that he did not wish to return. He owed me about five hundred dollars, which would not be worth much if he left the mill; yet, to get rid of him, I gave him that, and took a quit claim of all his claims upon the mill, and let him have a small canoe in which he descended the river.

My people agreed to go back to the mill, provided I would get the Menomonees to go up the river with us, but I had no interpreter in whom I could confide, as my half breed Winnebago had joined his comrades, the Canadians, against me. So I sent down for the Menomonees at the lodge we had passed, to come and go with us; but presume that the half breed Menomonee woman had instructed them how to act; for although I offered them a high price, they pretended to be afraid of the Chippewas, which I was satisfied was not the case, and declined to go, unless another band who were hunting on the Chippewa, above the mouth of the Menomonee River, would go with them. So I sent an Indian for them, and proceeded on with my boat, and encamped on a sand-bar opposite the Menomonee River, and waited for the Indians until about noon the next day, when they arrived, but did not want to go into the Menomonee, expressing their fears of the Chippewas. I offered them a keg of powder, a bar of lead, and promised, when they next came to Prairie du Chien, to give them a keg of whiskey; but they still declined going, reiterating their apprehensions, which I was satisfied were feigned for the occasion, and that they were but playing their part as instructed by the half breed woman. Believing such to be the case, I ordered the men to put the things in the boat, telling them that I was not afraid of the Chippewas, and should go to the mill. Upon this, some of the Canadians showed a disposition to mutiny, but I had made up my mind to go, and knock down the leader with a club, and force them to accompany me. How I should have succeeded

I do not know, but at that moment the Indians finding that I was determined to go without them, said they would go, and we proceeded up the Menomonee River about nine miles, where we encamped.

The Winnebago and Menomonee half breeds unloaded one of the canoes and said there was a lake near there, and that they would go and shoot elk; but in about an hour they returned, apparently much alarmed, and said they saw tracks of Indians around the lake. But the Menomonees who had agreed to go with us fearing to lose their promised pay if we went back, said that the tracks were not Chippewas but Menomonees, as some of their people had been there that day hunting. The next day we proceeded on up the river without any thing of note until we reached the mill, except occasionally seeing a Chippewa in imagination.

There was among the carpenters of my party a discharged soldier of the name of HOLMES, who was a better mill-wright than ARMSTRONG, and upon whom, as I afterwards learned, ARMSTRONG had depended to build the mill. I then made a bargain with ISAAC SAUNDERS, one of the carpenters Armstrong had taken up, giving him an interest in the mill to superintend it, and engaged HOLMES by the day to build the mill. There had been very little work done during the summer, and they did not get the mill ready to commence sawing until March, 1831; and by the 1st of June following, had sawed about 100,000 feet of lumber. It was impossible at that time at Prairie du Chien to get any other hands than Canadians, except occasionally a discharged soldier; and among the Americans that were at the mill, there was not one who knew how to construct a raft.

The Canadian manner of rafting had been to lay two floats of timber about ten inches square, and raft the boards on them, and they rafted our lumber in that way; but when they had completed the raft, they found there was not water enough to float it, the water being very low that spring. As many of the men's time

would be out in May, I went up with another set of hands to supply the places of those that would come away with the raft. But on arriving there, I found the water very low, and the Canadians declared that the lumber could not be rafted out of the river. It appeared that we would have to wait for a rise of water; and having a double set of hands, I concluded to build another mill, on a stream about one mile from the other. I set the hands to work getting out timber for the dam, mill, &c.

The Canadians who had first gone there, and went back with me against their will, and whose times were about expiring, were still disposed to be mutinous, and declared their intention of not waiting for a rise of water to get the timber out, and of leaving as soon as their time should expire. I told them that they could not leave until they took down the lumber; that I would pay them for their time, and that they could not get permission to go unless they took it by force, and that, I did not think, would be very safe for them to attempt while I was there, and if they cut a pine tree to make a canoe of, I would have them prosecuted and imprisoned—and, as a Canadian is much afraid of a jail, they concluded to continue their work.

During the time I was contriving how this lumber was to be got to the mouth of the Menomonee, and talking with HOLMES one day about it, he told me he had somewhere seen lumber rafted over rapids by laying one sawed board or slab lapping about half its length upon another, after the manner of shingling, and thus repeat and combine until the raft or crib should be formed; and that it would hang together in passing over any rapids. Upon this hint I caused a crib to be made, but the men said it would drown any one who would be fool-hardy enough to take it over the rapids. I waited till the following Sunday, when the men would be idle, and then told two of the hands that if they would take that crib to the mouth of the Menomonee, I would pay them one dollar each. They did so without accident, and returned by land before night, and reported that the lumber could be taken

down in that way without any difficulty. The men now went to work and rafted it; got it nearly all to the mouth of the river, when about the 1st of June, it commenced raining, and continued most of the time very hard for a fortnight. The stream on which our dam was, rose in about twelve hours something like twelve feet, and the Menomonee River about the same, carrying away the dam, and sweeping the loose made cribs of lumber from their moorings, and scattered the lumber over the bottoms of the Menomonee and Chippewa Rivers. About fifty thousand feet of this lumber was afterwards recovered in a damaged state, at a great expense, and taken to St. Louis and sold at a reduced price. Such were some of the difficulties attending the early attempts at lumbering in this country. The only hands that could be employed were the Canadian *voyageurs*; they could row a boat well, or run a raft, but that was about the extent of their knowledge of lumbering. Occasionally you could pick up a discharged soldier that had some knowledge of the business, and these were the materials that pioneer saw-mill proprietors had to use, and manage as best they could.

Shortly after this, DANIEL WHITNEY, of Green Bay, obtained from the Secretary of War a similar permit to that granted to Mr. ROLETTE and myself, and built a mill upon the Upper Wisconsin.

Of all the foreigners that came to this country, the Canadians of French extraction seemed to have the least idea of the privileges of American citizenship. It appeared almost impossible to instil into their minds any thing of the independence of self-government, and this was not confined entirely to the uneducated, but would apply more or less to the partially educated classes. They do not consider it a privilege to vote for the officers who are to govern them; and consider it only desirable to use the elective franchise in order to gratify some friend who has asked them to vote for himself or his candidate; and when so requested, they are too polite to refuse, unless a previous promise had been made to some other.

I have lived among this people upwards of thirty years, and have taken considerable interest in elections, and frequently asked the people to vote for the candidate that I supported, and recollect but a solitary instance, in all that time, where a man had the independence to refuse my request. It was amusing after the county of Crawford was organized, and an election was to take place for a delegate to Congress from Michigan, to see these people about election time. It so happened that JOSEPH ROLETTE and myself influenced about an equal number of voters, and as we generally supported different candidates, these people would meet, and talk among themselves about the election, asking each other who they were going to vote for? The answer invariably was, "*Je va vote pour Mons. ROLETTE*;" or "*Je va vote pour Mons. LOCKWOOD*;" the names of the opposing candidates never being mentioned, and very seldom known—a rather amusing circumstance.

In the spring of the year 1824, a delegate to Congress was to be elected for Michigan; and Michigan, like all other portions of the Union, had several patriotic men who desired to sacrifice themselves to the service of their country. Among the numerous candidates, Mr. ROLETTE and I each selected one for our support, and solicited the votes of the Canadians for our respective candidates. Among the voters was a respectable and industrious farmer living in the lower end of Prairie du Chien, by the name of BARRETTE, whose vote had been solicited both by Mr. ROLETTE and myself; but BARRETTE being engaged in getting in his spring crop of grain, and thinking if he went to the election he would offend one or the other of us, which he wished to avoid, concluded it would be wisest to remain at home, and work on his farm. Mr. ROLETTE's idea of the elective franchise was such, that he believed that every man was bound to vote, and, moreover that he should do it precisely in accordance with his leader's wishes, without exercising any judgment whatever of his own. Mr. ROLETTE being a Canadian by birth, of French extraction, and although an educated man, considered himself insulted by BAR-

RETTE's not coming to the election and voting for his candidate, and declared that he would be revenged on him.

There was a law at that time in Michigan preventing stud horses from running at large when over eighteen months of age, under a penalty of ten dollars for each offence, "if willingly or wilfully at large." At this time the water was high in the Mississippi, and the old village of Prairie du Chien was an island. One morning shortly after the election, Mr. ROLETTE with his men brought me two horses of the aforesaid description, and hitched them before my door. I was then a Justice of the Peace. ROLETTE entered my house under considerable apparent excitement, saying, he had brought me two horses that were running at large contrary to law. I answered him, that I did not want the horses, nor was I going to take charge of them. Mr. ROLETTE then asked, as they were at large contrary to law, what was to be done? I answered, that I would have nothing to do with the horses, and should not take charge of them; but if he wished to make a complaint against their owners, I was bound to take notice of it. Mr. ROLETTE then concluded to make such complaint against BARRETTE, the owner of one of the horses, and let the other off, as he had no pique to gratify in his case. Process was accordingly issued against BARRETTE, and soon returned served. On the day of trial, a man by the name of PERKINS, heretofore spoken of, seeing that the suit was brought by an apparently wealthy man to oppress a poor one, volunteered his services to assist in defending him, and on calling the case the defendant demanded a jury. The Legislature of Michigan had some two or three years before this reduced the jury before a Justice of the Peace to six, and the year preceding this trial, they had repealed that law, without any saving clause. Under these circumstances, I decided that the repeal of the law, revived the old one of twelve jurors, and accordingly had a jury of that number summoned and sworn. It so happened that there were some Americans on the jury, and as the trial proceeded, the defendant admitted that his horse was at large, but not "willingly or wilfully," and proved that his horse was old, and had been work-

ed down very poor in the spring, and that when he was through with his work and wished to turn him out on the Prairie, to save himself from the penalty of the law, he had taken him to be castrated to the only man on the Prairie that pretended to perform such operations. But he declined doing so, saying that the horse was too poor and weak to live through it, and that he had better turn him out on the Prairie to rest and recruit a few days, as he could do no harm. Under this testimony, the jury brought in a verdict for defendant, stating that BARRETTE's horse was neither "wilfully nor willingly" at large, contrary to law.

After this BARRETTE, by advice of his friend, brought suit against Mr. ROLETTE, before N. BOILVIN, Esq., another Justice of the Peace, for trespass, and swimming his horse across the slough of St. Ferole, and had another jury, who gave BARRETTE five dollars damages and costs, which mortified Mr. ROLETTE very much. He did not care so much about the money, as he did about attempting to punish a Canadian farmer for disobeying his wishes, and to have that farmer beat him.

In the fall of 1818, a severe fight took place on the prairie between Lac Traverse and the head waters of the Mississippi, under something like the following circumstances, as related to me immediately after by some Indians who had participated in the action. I was then at my wintering station near Lac qui Parle, on the St. Peters. During the summer a Yankton chief, who generally resided near Lac Traverse, called by the French the GRAND SINOKE, had met with some Chippewas, with whom he had smoked the pipe of peace, and after the council had broken up, and the Chippewas were wending their way, as they supposed, safely to their homes, when a party of the GRAND SINOKE's band followed them and killed some of the men, and took one woman prisoner. Upon this, eleven young Chippewas armed, provisioned, and provided with moccasins, and started for the Sioux country, declaring that they would not return until they had avenged the insult and outrage. They travelled in the Sioux country about a month

without falling in with any Sioux, and were apparently on their way home, when on the prairie between Lac Traverse and the head waters of the Mississippi, they discovered a large camp of Sioux of about five hundred lodges. As they were in the neighborhood of the camp, they were discovered by some Sioux on horseback, who immediately gave notice to the camp. The Chippewas finding that they were discovered, and that their fate was sealed, sent one of their number home to carry tidings of their probable destruction, and the other ten got into a copse of timber and brush on the prairie, and commenced throwing up breast works by digging holes with their knives and hands,* determined to sell their lives as dearly as possible, knowing that there was not the remotest hope for their escape.

In a short time the warriors from the Sioux camp surrounded them, and, it would appear, made the attack without much order or system, and fought something like the militia in the Black Hawk war at the attack near KELLOGG'S, where each one attacked and fought on his own account without orders. To show their bravery, the Sioux would approach the entrenched Chippewas singly, but from the covert and deadly fire of the Chippewas, they were sure to fall. They continued to fight in this way, until about seventy of the Sioux were killed or wounded, when one of the Sioux war chiefs cried out, that the enemy were killing them in detail, and directed a general onset, when they all in a body rushed upon the Chippewas with knives and tomahawks; and, after a severe struggle, overpowered and exterminated them, wounding in the melee many of their own people. The brave Chippewas had exhausted their ammunition, and now fell a sacrifice to superior numbers. Thus perished ten as intrepid warriors as ever entered the battle field. The eleventh pursued his way, and carried to his people the news of the probable fate of the others. The Sioux exulted in their mournful victory, which was purchased at the cost of the lives of between seventy and eighty of their warriors.

* This digging holes was a common mode of defence for a weak party.—See *Pike's Expeditions*, Philadelphia, 1810, p. 19; and *Brunson's Sketch of Crawford County*, in Vol. I, Wis. Ag. Trans. L. C. D.

If scalps are taken after the fall of the leaves from the trees, it is usual for the Indians to continue the scalp dance over them until the appearance of the leaves again, when the scalps are buried with considerable ceremony; and if scalps are taken after the putting out of the leaves, they continue to dance until their fall in the autumn.

In the year 1828, General JOSEPH M. STREET was appointed Indian Agent at Prairie du Chien, and arrived alone in the fall of that year to assume the duties of his office; and, in the winter, returned to Illinois and brought his family to Prairie du Chien in the spring of the following year, being the first family who settled in Prairie du Chien that made a profession of religion of the Protestant faith of any of the different sects.

In 1830, a man by the name of COE, who claimed to be a minister of the Presbyterian church, and missionary to the Indians, passed through the country, and remained over Sunday at Prairie du Chien, and made an attempt at preaching; but he was a very illiterate man, and not over stocked with good sense. I must here relate an anecdote of this man. He made several trips to the upper Indian country, and on one occasion took passage on a keel boat, and arrived within about thirty miles of Fort Snelling on Saturday night; and as the boat would start early in the morning, and he would not travel on the Sabbath, he went on shore without provisions, and encamped over Sunday, and on Monday made his way to Fort Snelling, hungry and nearly exhausted. Sometime in the year 1832, a student of divinity, of the Cumberland Presbyterian sect, came here and taught school for about six months, and on Sundays attempted to preach.

In some of the treaties with the Winnebagoes,* provision had

* At the treaty of Fort Armstrong, Rock Island, of which Gen. SCOTT and Gov. RYAN were the commissioners, concluded Sept. 15, 1832, in part consideration for a claim of land, it was stipulated that the General Government should, for a term of twenty-seven years, maintain a school at or near Prairie du Chien for the education and support of such Winnebago children as should be voluntarily sent to it to be conducted by two or more teachers, and at an annual cost not to exceed the sum of three thousand dollars.

been made for an Indian school near Prairie du Chien, and in the year 1833, the Rev. DAVID LOWRY, of the Cumberland Presbyterian denomination, came to the place as superintendent of said Indian school, but it was about a year thereafter before suitable buildings were erected on the Yellow river in Iowa, and Mr. LOWRY remained at Prairie du Chien, and preached on Sundays; and during this time, collected those professing religion of the different denominations into a society. In the fall of 1835, the Rev. ALFRED BRUNSON visited Prairie du Chien, and returned home the same autumn; and in the spring of 1836, he came back with his family, as superintendent of the Methodist Episcopal Mission of the Upper Mississippi and Lake Superior. He purchased a farm and built a house, the materials for which he brought with him from Meadville, Pa., and continued for several years laboring in his missionary capacity. He several times visited the missions on the Upper Mississippi, and when at the Prairie, preached and formed a Methodist society. In the year 1836, the Rev. Mr. CADDLE, of the Episcopal church, came to the Prairie as a missionary, but was shortly after appointed chaplain to Fort Crawford, in which capacity he continued until 1841, when feeling, as he expressed it, that he was not in his proper place preaching to soldiers, who went to hear him more from compulsion than anything else, he resigned his chaplaincy, and again entered the missionary service in another part of the Territory. Mr. CADDLE, while chaplain of the fort, formed a church of the few communicants of the Prairie, and the officers and ladies of the fort, which he called Trinity, but was obliged for most of the church officers to elect non communicants.

I must not omit to mention another of the early American settlers. In 1833, the quarter-master of Fort Crawford advertised in Galena for proposals for a contract to furnish the fort with a year's supply of wood. EZEKIEL TAINTER and a man by the name of REED, got the contract, and came here and supplied the first contract together, at the end of which Mr. REED left the country. Mr. TAINTER remained, and continued for several years to take

the wood contract, together with that for supplying the fort with beef; and at this business, which he well understood, in connection with the cultivation of a farm on the bluff where he cut his wood, he made money quite fast, as he was industrious and saving. He sent for his family, which he had left in the state of New York, and paid off some old scores that he had previously been unable to do, and had some money left for which he had no immediate use. Notwithstanding he knew nothing about merchandizing, he concluded as he expressed it, "that the merchants were coining money, and that he would have a hand in;" and borrowing some means in addition to his own, went to St. Louis and purchased a small stock of goods, which, as might be expected, were not very judiciously selected for the market. During this time his brother GORHAM arrived by his assistance, whom he took into partnership; but knowing as little about mercantile affairs as his brother, the business was not very well conducted. Both had large families to support, and it appears that they kept no account of expenses, or of what each took from the store. If one wanted an article, the other took something else to balance it. They continued business for about two years, when they took an account of stock, and found a deficiency of about three thousand dollars, for which they could not account; and as goods to this amount had been taken from the store without keeping any account of them, it did not at first occur to their minds that their families had consumed them. This satisfied Mr. TAINTER that money was not so easily gained by merchandizing as he had supposed, and he returned to farming, and is now a resident and worthy citizen of the county.

In the year 1842, the Rev. Mr. STEPHENS, of the Presbyterian church, who had been on a missionary service somewhere in the Indian country, came as a missionary of that denomination, formed a church, and continued here two or three years. There being too few members of his church to supply the means of support with the stipend he received from the Missionary Society, he left

for some other part of the Territory, since which time the Methodists have supplied the place regularly with preachers, and occasionally a transient clergyman of some other denomination visits us and preaches. Rev. ALFRED BRUNSON since his residence at Prairie du Chien, has probably taken more interest than any other person in it, to develop the resources of the country, having at different times visited most parts of Western and Northern Wisconsin, and has written and published several articles on the subject, well calculated to attract attention to this part of the country.

Of the old inhabitants found at the Prairie on my arrival here, JOHN W. JOHNSON the factor, and Chief Justice of the county court, was in 1832, relieved of his duties as factor, by the winding up of the factory system of Indian trade, when he removed to St. Louis, where he died a few years since. FRANCIS BOUTHILLIER, one of the Associate Justices of the county court, moved to Galena, near which place he died in 1833 or '34.

WILFRED OWENS ended his days in 1821 by cutting his throat in a fit of mental derangement;* and JOHN L. FINDLEY, the first clerk of the court, went, in 1821, in company with a Frenchman by the name of DEPOUSE, and a Canadian named BARRETTE, up the Mississippi in a canoe on some business. On their arrival at Lac Pepin, near the mouth of the Chippewa, they met with a war party of Chippewas looking for Sioux Indians, and the whites being probably overcharged with whiskey, of which they were all exceedingly fond, a quarrel ensued, as was afterwards learned from the Chippewas. BARRETTE, who had been lumbering on the Black River the previous winter, recognized in one of the Indians of the war party, one whom he believed had formerly stolen his horse; and being of rather a pugnacious disposition, and proba-

* The following notice of Mr. OWENS' death, we find in the Detroit Gazette, Oct. 5th, 1821: "Died at Prairie du Chien, on the 23d of August last, Mr. WILFRED OWENS, merchant. He committed suicide by cutting an artery of his arm, and his throat, in the presence of two of his friends, and was supposed to be insane. Mr. OWENS was Judge of Probate, and Associate Justice, in the county of Crawford, and a very respectable member of society."

bly surcharged with whiskey, imprudently charged the Indian with the theft. Upon which a quarrel ensued, which ended in the Indians murdering the whole party, and plundering them of their goods, provisions, &c.

JOHN P. GATES, the first Register of the Probate, on the closing of the factory, went to Carondelet, Missouri, where he was drowned a few years since. THOMAS MCNAM, the first Sheriff of the county, moved down to Fever river near Galena, about 1830, and, as I learned, died a few years since in some part of Illinois. NICHOLAS BOILVIN died on a keel boat on his way to St. Louis, about the summer of 1824. JOSEPH ROLETTE* died at Prairie du Chien in 1841.

While our county court was still in existence, a district court

* MRS. KINZIE relates in her *Wau-Ban* the following capital story of M. ROLETTE. The scene was on Lake Winnebago, where M. ROLETTE was engaged with a trading boat, when he met another boat on which were his employees, directly from Prairie du Chien. "Of course, after an absence of some weeks from home, the meeting on these lonely waters, and the exchanging of news was an occasion of great excitement. The boats were stopped—earnest greetings interchanged—question followed question.

"*Eh! bien*"—enquired M. ROLETTE, "have they finished the new house?"

"*Ouf, Monsieur.*"

"*Et les cheminées fument-elle?*" (Does the chimney smoke?)

"*Non, Monsieur.*"

"And the harvest—how is that?"

"Very fine, indeed."

"Is the mill at work?"

"Yes, plenty of water."

"How is Whip?" (His favorite horse.)

"Oh! Whip is first rate."

Everything, in short, about the store, the farm, the business of various descriptions being satisfactorily gone over, there was no occasion for farther delay. It was time to proceed.

"*Eh! bien—adieu! bon voyage!*"

"*Arrachez—mes gens!*" (Go ahead, men!)

Then suddenly—"*Arrêtez—arrêtez!*" (Stop! stop!)

"*Comment se portent Madame Rolette et les enfants?*" (How are Mrs. ROLETTE and the children?)

MRS. KINZIE also gives us another glimpse of M. ROLETTE's character. The Indians, she says, called him AN-KAY-ZAPP-NE-TAH, or *Fis-More*—because, as they said, let them offer what number of skins they might in bartering for an article, his terms were invariably "five m.o.c."

"Upon one occasion," continues Mrs. KINZIE, "a lady remarked to him, 'Oh, M. ROLETTE, I would not be engaged in the Indian trade; it seems to me a system of cheating the poor Indians.'

'Let me tell you, madame,' replied he with great *aisance*, 'it is not so easy a thing to cheat the Indians as you imagine. I have tried it these twenty years, and have never succeeded!'

was established, in 1823,* comprising the counties of Mackinaw, Brown and Crawford, and an additional Judge appointed, in the person of JAMES DUANE DORY, a young lawyer of Detroit, then only about twenty three years of age. He had come to Prairie du Chien in the fall of 1823, for the purpose of making it his residence, and remained until after the following May term of his court. Soon after arriving at Prairie du Chien, and finding our mail matter came up on keel-boats, or by military express sent occasionally for the special purpose, to Clarksville, Missouri, a village about one hundred miles above St. Louis, and the then nearest post office, Judge Dory made application to the Post Office Department for the establishment of a post office at Prairie du Chien, which was granted, and he was appointed post-master, with the privilege of expending the proceeds of the office for carrying the mail. The receipts for postage, together with contributions from the principal inhabitants, and officers of the garrison, enabled him to send JEAN B. SOYER, an old *voyageur*, one trip to Clarksville during the winter, for which he was paid thirty dollars. When Judge Dory arrived to enter upon his duties as Judge, he brought me a commission as clerk of his court for Crawford county, which I declined to accept.

As there were then no attorneys here, and Judge Dory learning that I had at one time studied law, and had relinquished the profession for mercantile pursuits, suggested that I had better resume the practice of the law, and kindly tendered me the use of his

* It is stated in Mr. BAIRD's Address, that it was at the 1823-'24 session of Congress, that the new judicial district was established. It was done at the previous session, when an act was passed to provide for the appointment of "an additional Judge for the Territory of Michigan," and jurisdiction was given to the courts held by him over the counties of Mackinaw, Brown and Crawford, which included all of Michigan not in the Peninsula, the now State of Wisconsin, and the country north of St. Croix River and east of the Mississippi to latitude 49—now under the government of Minnesota. In the winter or spring of 1823 JAMES D. DORY was appointed by President MONROE, the additional Judge. At the session of 1823-'24, Congress changed the tenure of office of the Judges of Michigan from "good behavior" to the term of four years, and Judge DORY's re-appointment was announced in *Niles's Register* of Feb. 28, 1824. The first term of Judge DORY's court was held at Mackinaw, in July, 1823.

Seeing a discrepancy in dates in regard to this matter between Mr. BAIRD and Judge LOCKWOOD, Judge DORY was referred to, to set the matter right, who has furnished the facts in this note.

library and any instructions I might require, in order to refresh my studies. Not being extensively engaged in business at this time, I availed myself of Judge DOTY's suggestions, library and instructions, and studied hard all the following winter and spring; and, although I had obtained considerable knowledge of law, I was entirely ignorant of the practice of courts, except what I learned from old English authors on that subject. I commenced the practice of the profession, and attended the courts of Brown and Mackinaw, and found no attorneys in Brown; but at Mackinaw found a man by the name of REX ROBINSON, who had studied law in the State of New York, but had abandoned it, and come to Mackinaw to try his luck in the Indian Trade; and a man by the name of LEE, who hailed from Ohio, and claimed to be a lawyer, but whose greatest qualification was his impudence; and HENRY S. BAIRD, then quite a young man, just commencing the practice, and whom I considered the best lawyer among us.

Until the year 1824, it was believed that a steamboat could not come up to Prairie du Chien over the Des Moines and Rock River rapids. But in the spring of that year, DAVID G. BATES, who had for several years been engaged in running keel boats on the Upper Mississippi, the water then being at a good stage in the river, brought to Prairie du Chien a very small boat called the *Putnam*. She was one of the smallest class of boats that run on the Ohio in a low stage of water. Capt. BATES proceeded to Fort Snelling with his boat. In June following, boats of a much larger class came over the rapids, and went to Fort Snelling with supplies for the troops. Since then the river from St. Louis to Fort Snelling has been navigated by steamboats, increasing every year in size and convenience.

During the winter of 1823-4, Judge DOTY concluded to change his residence from Prairie du Chien to Green Bay, and resigned his office of post-master, and recommended me for the vacancy; and I was appointed, with the same power and authority that he had. I applied during the summer of 1824, and got a post-office

established at Galena, and **EZEKIEL LOCKWOOD** appointed post-master; also an office at Rock Island with **LEE DAVENPORT** post-master; the proceeds of both offices to be applied by me to defraying the expenses of conveying the mail from Prairie du Chien, via Galena and Rock Island, to Clarksville, Mo. The increased fund by this new arrangement, enabled me to send the mail twice during the winter to Clarksville, and thus the postal arrangements remained until the close of 1825, when a post route was extended from Springfield, Il., to Galena; and on the first of January, 1826, **JOHN D. WINTERS**, the contractor, arrived at Galena with the first mail sent through by this arrangement, the office at Prairie du Chien continuing to send to Galena for her mail at her own expense, until the fall of 1832, when **Doct. ADDISON PHILLEO**, who had obtained the contract to Prairie du Chien, sent through the mail.

In the summer of 1825, a grand council or treaty was held at Prairie du Chien with the different tribes of Indians. **Gov. CASS** of Michigan, and **Gen. CLARK**, superintendent of Indian Affairs for Missouri and dependencies, were appointed commissioners on the part of the United States. The Indian tribes represented were the Sioux, Sauks, Foxes, Chippewas, Winnebagoes, Menomonees, and Iowas. Some of the Indians from up the Missouri were expected, but did not come. The professed object of this treaty was to make a general and lasting peace between these tribes, and also to settle the boundaries between them respectively. After I understood the object of the treaty, I asked **Gov. Cass** what good he thought would result from it. He shrugged up his shoulders, and smiling said, that they would have it so at Washington. They made the treaty of perpetual peace, and settled the boundaries between the different tribes, which resulted in the U. States sending a corps of surveyors, and surveying the boundaries at great expense, and perhaps keeping the Indians at peace until they were ready to go to war again.

In the winter of 1825-'26, the wise men at Washington took it

into their heads to remove the troops from Fort Crawford to Fort Snelling, and abandon the former. This measure was then supposed to have been brought about on the representation of Col. SNELLING of Fort Snelling, who disliked Prairie du Chien for difficulties he had with some of the principal inhabitants. During the winter there were confined in the guard house of Fort Crawford two Winnebago Indians for some of their supposed dishonest acts; but what they were charged with, I do not now recollect. At that time, as already mentioned, our mails from St. Louis, the East and South, came via Springfield to Galena, and the postmaster at Prairie du Chien sent to Galena for the mails of that place and Fort Snelling. An order would frequently arrive by steamboat countermanding a previous order for the abandonment of the fort, before the arrival of first order by mail, and this matter continued during the summer of 1826, and until October, when a positive order arrived directing the commandant of Fort Crawford to abandon the fort, and proceed with the troops to Fort Snelling; and if he could not procure transportation, to leave the provisions, ammunition and fort in charge of some citizen.

But a few days previous to this order, there had been an alarming report circulated, that the Winnebagoes were going to attack Fort Crawford, and the commandant set to work repairing the old fort, and making additional defences. During this time the positive order arrived, and the precipitancy with which the fort was abandoned during the alarm—was communicated to the Indians through the half-breeds residing at or visiting the place, which naturally caused the Winnebagoes to believe that the troops had fled through fear of them. The commandant took with him to Fort Snelling the two Winnebagoes confined in Fort Crawford, leaving behind some provisions, and all the damaged arms, with a brass swivel and a few wall pieces, in charge of JOHN MARSH, the then Sub-Agent at this place.

The Winnebagoes, in the fall of 1826, obtained from the traders their usual credit for goods, and went to their hunting grounds;

but early in the winter a report became current among the traders, that the Winnebagoes had heard a rumor that the Americans and English were going to war in the spring; and hence they were holding councils to decide upon the course they should adopt, hunting barely enough to obtain what they wanted to subsist upon in the mean time.

Mr. M. BRISBOIS said to me several times during the winter, that he feared some outrages from the Winnebagoes in the spring, as from all he could gather they were bent on war, which I ought to have believed, as Mr. BRISBOIS had been among them engaged in trade over forty years. But I thought it impossible that the Winnebagoes, surrounded as they were by Americans, and troops in the country, should for a moment seriously entertain such an idea. I supposed it a false alarm, and gave myself very little uneasiness about it; but in the spring, when they returned from their hunts, I found that they paid much worse than usual, although they were not celebrated for much punctuality or honesty in paying their debts. It was a general custom with the traders, when an Indian paid his debts in the spring pretty well, on his leaving, to let him have a little ammunition, either as a present, or on credit. A Winnebago by the name of WAH WAH PECK AH, had taken a credit from me, and paid me but a small part of it in the spring; and when I reproached him, he was disposed to be impudent about it; and when his party were about going, he applied to me as usual for ammunition for the summer, and insisted upon having some, but I told him if he had behaved well, and paid me his credit better, that I would have given him some, but that he had behaved so bad that I would not give him any, and he went away in a surly mood.

A man by the name of METRODE, I think, a half breed of some of the tribes of the North, had arrived here, sometime in the summer of 1826, with his wife, and, I think, five children; and, sometime in March of 1827, he went with his family up the Yellow or Painted Rock Creek, about twelve miles above

the Prairie, on the Iowa side of the Mississippi River, to make sugar. The sugar season being over, and he not returning, and hearing nothing from him, a party of his friends went to look for him, and found his camp consumed, and himself, wife and children burned nearly to cinders, and she at the time *enceinte*. They were so crisped and cindered that it was impossible to determine whether they had been murdered and then burned, or whether their camp had accidentally caught on fire and consumed them. It was generally believed that the Winnebagoes had murdered and burnt them, and RED BIRD was suspected to have been concerned in it; but I am more inclined to think, that if murdered by Indians, it was done by some Fox war party searching for Sioux.

In the spring of this year, 1827, while a Chippewa chief called HOLE-IN-THE-DAY, with a part of his band, visited Fort Snelling on business with the Government, and while under the guns of the fort, a Sioux warrior shot one of the Chippewas. The Sioux was arrested by the troops, and confined in the guard-house. The Chippewas requested Col. SNELLING to deliver the Sioux to them, to be dealt with after their manner; to which he agreed, provided they would give him a chance to run for his life. To this they acceded. The Sioux was sent outside of the fort, where the Chippewas were armed with tomahawks and war clubs. He was to be allowed a fair start, and at a signal started, and one of the swiftest of the Chippewas armed with a club and tomahawk after him, to overtake and kill him if he could, which he soon effected, as the Sioux did not run fast, and when overtaken made no resistance. The Winnebagoes hearing a rumor of this, got the news among them that the two Winnebagoes confined there had been executed.

During the summer of 1826, I built the first framed house that was erected in Prairie du Chien. I sent men to the Black River, and got the timber for the frame and the shingles, and had the plank and boards sawed by hand, and brought them down to the Prairie. But then I had no carpenter or joiner, there being none at Prairie du Chien. I went on board of a keel boat that had

landed, and enquired if there was a carpenter and joiner on board, on which a ragged, dirty looking man said that he professed to be such, and having before seen quite as unprepossessing fellows turn out much better than appearances indicated, I agreed with him at \$1 50 per day and board. I built on the site near Fort Crawford, now occupied by what is called the commanding officer's house. My house was of the following description: a cellar-kitchen, 30 by 26 feet, with a frame on it of the same size, two stories high, with a wing 16 by 20, on the south side, one story, which I used for a retail store. There was a hall through the south end of the two story part, the whole length of the house, with stairs from the cellar-kitchen up into the hall, and stairs from the hall to the upper story. The north end of the house was divided—the front part about 14 by 16 feet, into a parlor or sitting room; a chimney in the centre of the north end, and a bed-room in the back part about 14 feet square; a door leading from the hall to the bed room, and one to the sitting-room, and a door by the side of the chimney from the bed-room to the sitting room, and a door from the hall into the wing or store. This house I afterwards sold to the Government, with the land on which the fort now stands. It was good enough for General TAYLOR and family while he commanded here; but as soon as General BROOKE was in command, he got an appropriation from Congress to repair the house, and had it all torn down except a part of the cellar wall, and built the one which is there at present, at a cost of about \$7,000.

During the spring of 1827, the reports about the Winnebagoes bore rather a threatening aspect; but, as I said before, situated as they were I did not believe they would commit any depredations. Under this belief, and having urgent business in New York to purchase my goods, I started for that city on the 25th of June; it then took about six months to go and return. Mine was the only purely American family at the Prairie, after the garrison left. There was THOMAS McNAIE, who had married a French girl of the Prairie, and JOHN MARSH, the Sub Indian Agent, who had no family, and there were besides three or four Americans who had been

discharged from the army. Without apprehension of danger from the Indians, I left my family, which consisted of Mrs. Lockwood, and her brother, a young man of between sixteen and seventeen years of age, who was clerk in charge of the store, and a servant girl belonging to one of the tribes of New York civilized Indians settled near Green Bay.

I started to go by way of Green Bay and the Lakes for New York, in a boat up the Wisconsin, and down the Fox River to Green Bay; thence in a vessel to Buffalo, and down the canal to Albany, and thence by steamboat to New York City. About 4 o'clock in the afternoon of the first day's journey up the Wisconsin, I came to an island where were sitting three Winnebagoes smoking, the oldest called WAH-WAH-PECK-AH, who had a credit of me the fall previous, and had paid but little of it in the spring; the other two were young men not known to me by name. They had some venison hanging on a pole, and we stopped to purchase it. As I stepped on shore, I discovered an appearance of cold reserve unusual in Indians in such meetings, and as I went up to them, I said '*bon jour*,' the usual French salutation, which they generally understood; but WAH-WAH-PECK-AH said that he would not say '*bon jour*,' to me. Upon which I took hold of his hand and shook it, asking him why he would not say *bon jour* to me? He enquired what the news was. I told him I had no news. He told me that the Winnebagoes confined at Fort Snelling had been killed. I assured him that it was not true, that I had seen a person lately from that fort, who told me of the death of the Sioux, but that the Winnebagoes were alive. He then gave me to understand that if such was the case, it was well; but if the Winnebagoes were killed, they would avenge it. I succeeded in purchasing the venison, giving them some powder in exchange, and as I was about to step on board of my boat, WAH-WAH-PECK-AH wanted some whiskey, knowing that we always carried some for our men. I directed one of the men to give them each a drink, which WAH-WAH-PECK-AH refused, and taking up his cup that he had by him, he showed by signs that he wanted it filled; and be-

believing that the Indians were seeking some pretense for a quarrel as an excuse for doing mischief, I thought it most prudent under the circumstances to comply.

There were among the boats' crew some old *voyageurs*, well acquainted with Indian manners and customs, who, from the conduct of these Indians, became alarmed. We, however, embarked, watching the Indians, each of whom stood on the bank with his gun in his hand. As it was late in the day, we proceeded a few miles up the river and encamped for the night. As soon as the boat left the island, the three Indians each got into his hunting canoe, and the two young Indians came up on either side opposite the bow of the boat, and continued thus up the river until we encamped, while WAH WAH PECK-AH kept four or five rods behind the boat. They encamped with us, and commenced running and playing with the men on the sand beach; and after a little, the young Indians proposed to go hunting deer by candle light, and asked me to give them some candles to hunt with, which I did, with some ammunition, and they promised to return with venison in the morning. After they had gone, WAH WAH PECK-AH proposed also to go hunting, and begged some candles and ammunition, but remained in camp over night. Morning came, but the young Indians did not return, and I saw no more of them. In the morning, after WAH WAH PECK-AH had begged something more, he started, pretending to go down the river, and went, as we supposed; but about an hour afterward, as we were passing on the right of the upper end of the island on which we had encamped, I saw WAH WAH PECK-AH coming up on the left. He looked very surly, and we exchanged no words, but we were all satisfied that he was seeking some good opportunity to shoot me, and from the singular conduct of the Indians, I and my men were considerably alarmed. But about 9 o'clock in the morning, meeting a band of Indians from the Portage of Wisconsin, who appeared to be glad to see me, and said they were going to Prairie du Chien, my fears with those of men were somewhat allayed. I wrote with my pencil a hasty

ine to my wife, which the Indians promised to deliver, but they never did, as they did not go there.

This day, the 26th of June, we proceeded up the Wisconsin without seeing any Indians until we came near Prairie du Baie, when an Indian, alone in a hunting canoe, came out of some nook and approached us. He was sullen, and we could get no talk out of him. We landed on Prairie du Baie, and he stopped also; and, a few moments thereafter, a canoe of Menomonees arrived from Prairie du Chien, bringing a brief note from JOHN MARSH, saying the Winnebagoes had murdered a man of mixed French and negro blood, named RIJESTE GAGNIER, and SOLOMON LIPCAP, and for me, for God's sake, to return. I immediately got into the canoe with the Menomonees, and directed my men to proceed to the Portage, and if I did not overtake them, to go on to Green Bay. I proceeded down the river with the Menomonees, and when we had descended to the neighborhood where we had fallen in with the Indians the day before, we met WAH-WAH-PECK-AH coming up in his hunting canoe alone, having with him his two guns. He enquired if I was going to the Prairie? I told him I was. He then told me that the whiskey at the Prairie was shut up, but did not tell me of the murders, and asked me that should he come to the Prairie, whether I would let him have some whiskey? I told him I certainly would, if he brought some furs, not wishing then to make any explanation, or to enter into any argument with him.

About this time, we heard back of an island, and on the southern shore of the Wisconsin, the Winnebagoes singing their war songs and dancing, with which I was familiar; and so well satisfied was I that WAH-WAH-PECK-AH was only seeking a favorable opportunity to shoot me, that if I had had a gun where he met us, I believe that I should have shot him. After talking with him, the Menomonees moved down the river, and arrived at the mouth of the Wisconsin about dark, without seeing any more Winnebagoes. It was so dark that the Menomonees thought that we had better stop until morning, and we accordingly crawled into

the bushes without a fire, and fought mosquitoes all night, and the next morning, the 27th, proceeded to the Prairie. I went to my house and found it vacant, and went to the old village where I found my family, and most of the inhabitants of the Prairie, assembled at the house of JEAN BRUNET, who kept a tavern. Mr. BRUNET had a quantity of square timber about him, and the people proposed building breast-works with it.

I learned on my arrival at the Prairie, that on the preceding day, the 26th, RED BIRD, (who, when dressed, always wore a *red coat*, and called himself English,) went to my house, with two other Indians, and entering the cellar kitchen, loaded their guns in the presence of the servant girl, and went up through the hall into Mrs. LOCKWOOD's bed-room, where she was sitting alone. The moment the Indians entered her room, she believed they came to kill her, and immediately passed into and through the parlor, and crossed the hall into the store to her brother, where she found DUNCAN GRAHAM, who had been in the country about forty years as a trader, and was known by all the Indians as an Englishman. He had been a captain in the British Indian Department during the war of 1812, and a part of the time was commandant at Prairie du Chien. The Indians followed Mrs. LOCKWOOD into the store, and Mr. GRAHAM by some means induced them to leave the house.

They then proceeded to McNAIR's Coulee, about two miles from the village, at the lower end of Prairie du Chien, where lived RIJESTE GAGNIER, son of the noted MARY ANN, heretofore mentioned; his wife was a mixed blood of French and Sioux extraction, with two children; and living with him was an old discharged American soldier by the name of SOLOMON LIPCAP. The Winnebagoes commenced a quarrel with GAGNIER, and finally shot him, I believe in the house. LIPCAP, at work hoeing in the garden near the house, they also shot. During the confusion, Mrs. GAGNIER seized a gun, got out at the back window with her boy about three years old on her back, and proceeded to the vil-

lage with the startling news. The cowardly Indians followed her a part of the way, but dared not attack her. On her arrival at the village, a party went to the scene of murder, and found and brought away the dead, and the daughter of Mr. GAGNIER, about one year old, whom the mother in her fright had forgotten. The Indians had scalped her, and inflicted a severe wound in her neck, and left her for dead, and had thrown her under the bed, but was found to be still alive. She got well, and arriving at womanhood got married, and has raised a family of children ; she is yet alive, and her eldest daughter was but recently married.

The people had decided not to occupy the old fort, as a report had been circulated, that the Indians had said they intended to burn it if the inhabitants should take refuge there. During the day of the 27th, the people occupied themselves in making some breast-works of the timber about Mr. BRUNET's tavern, getting the swivel and wall pieces from the fort, and the condemned muskets and repairing them, and concluded they would defend themselves, each commanding, none obeying, but every one giving his opinion freely.

About sunset one of the two keel-boats arrived that had a few days previously gone to Fort Snelling with supplies for the garri-son, having on board a dead Indian, two dead men of the crew, and four wounded. The dead and wounded of the crew were inhabitants of Prairie du Chien, who had shipped on the up-bound trip. They reported that they had been attacked the evening before, about sunset, by the Winnebago Indians,* near the mouth of the Bad Ax River, and the boat received about five hundred shots, judging from the marks on its bow and sides. The Indians

* Ex-Gov. REYNOLDS, of Illinois, in his recent interesting volume of his *Life and Times*, thus states the immediate cause of this attack, and which, if true, exhibits the boatmen and *voyageurs* in no enviable light: That somewhere above Prairie du Chien on their upward trip, they stopped at a large camp of Winnebago Indians, gave them liquor freely and got them drunk, when they forced six or seven squaws, stupefied with liquor, on board the boats, for *corrupt and brutal purposes*, and kept them during their voyage to Fort Snelling, and on their return. When the Winnebago Indians became sober, and fully conscious of the injury done them, they mustered all their forces, amounting to several hundred, and attacked the foremost of the descending boats in which their squaws were confined. L. C. D.

were mostly on an island on the west of the channel, near to which the boat had to pass, and the wind blowing strong from the east, drifted the boat towards the shore, where the Indians were, as the steering-oar had been abandoned by the steersman. During this time, two of the Indians succeeded in getting on board of the boat. One of them mounted the roof, and fired in from the fore part; but he was soon shot, and fell off into the river. The other Indian took the steering-oar, and endeavored to steer the boat to the island. He was also shot, and brought down in the boat where he fell. During all this time the Indians kept up a hot fire. The boat was fast drifting towards a sand-bar near the shore, and they would all have been murdered had it not been for the brave, resolute conduct of an old soldier on board, called SAUCY JACK, (his surname I do not remember,) who, during the hottest of the fire, jumped over at the bow, and pushed the boat off, and where he must have stood, the boat was literally covered with ball marks, so that his escape seemed a miracle.* They also reported that early the day before the attack, they were lashed to the other boat drifting, and that they had grounded on a sand-bar and separated, since which time they had not seen or heard any thing of the other boat, and thought probably that it had fallen into the hands of the Indians.

This created an additional alarm among the inhabitants. The same evening my boat returned, the men becoming too much alarmed to proceed. That night sentinels were posted by the inhabitants within the breast-works, who saw, in imagination, a great many Indians prowling about in the darkness; and in the morning there was a great variety of opinion, as to what was best to be done for the safety of the place, and appearances betokened a great deal of uneasiness in the minds of all classes.

* Gov. REYNOLDS adds, that SAUCY JACK, as he was called, was a sailor by profession on the lakes and ocean, and had been in many battles with the British during the war of 1812-'15; he was large and strong, and possessed the courage of an African lion, and seizing a piece of the setting pole of the boat which was about four feet long, and had on the end a piece of iron, which made it a more weighty and formidable weapon, he used it with great effect when the Indians attempted to board the boat, knocking them back into the river as fast as they approached. Such an instance of signal heroism is enough to render any man famous, and we should be glad to learn more of SAUCY JACK's history. L. C. D.

On the morning of the 28th, I slept rather late, owing to the fatigue of the preceding day. My brother-in-law awakened me, and told me the people had got into some difficulty, and that they wished me to come out, and see if I could not settle it. I went out on the gallery, and enquired what the difficulty was; and heard the various plans and projects of defence proposed by different persons. Some objected to staying in the village, and protecting the property of the villagers, while theirs, outside the village, was equally exposed to the pillage of the Indians. Others were for remaining and fortifying where they were, and others still urged the repairing of the old fort. As the eminence on which my house stood overlooked the most of the Prairie, some were for concentrating our people there, and fortifying it. After hearing these different projects, I addressed them something as follows: "As to your fortifying my house, you can do so, if it is thought best, but I do not wish you to go there to protect it; I have abandoned it, and if the Indians burn it, so be it; but there is one thing, if we intend to protect ourselves from the Indians, we must keep together, and some one must command."

Some one then nominated me as commander, but I said, "No, I would not attempt to command you, but here is THOMAS McNAIR, who holds from the governor a commission of captain over the militia of this place, and has a right to command; if you will agree to obey him implicitly, I will set the example of obedience to his orders, and will, in that case, furnish you with powder and lead as long as you want to shoot, (I being the only person having those articles in the place;) but unless you agree to obey McNAIR, I will put my family and goods into my boats and go down the river, as I will not risk myself with a mob, under no control."—Upon this they immediately agreed to acknowledge Mr. McNAIR as commander, and I was satisfied that he would take advice upon all measures undertaken. JOSEPH BRISBOIS was lieutenant, and JEAN BRUNET was ensign, both duly commissioned by the governor. Captain McNAIR ordered a move of all the families, goods,

with the old guns, to the fort, and it was near sunset before we had all got moved there.

About that time we discovered the skiff of the other keel-boat coming around the point of an island near Yellow River, about three miles distant ; but we could not discover whether they were white men or Indians in the canoe, and of course it created an alarm, but in a few moments thereafter, the keel-boat hove in sight, and the alarm ceased. It soon arrived, reporting that they had received a few shots in passing the places where the other boat had been attacked, but had received no injury. On this boat JOSEPH SNELLING, son of Col. SNELLING, returned to Prairie du Chien. JOSEPH SNELLING and myself acted as supernumeraries under Captain McNAIR. The government of Fort Crawford was conducted by a council of the Captain and those who acted under him. It was immediately resolved to repair the old fort as well as possible for defence, and the fort and block-house were put in as good order as circumstances and materials would admit. Dirt was thrown up two or three feet high around the bottom logs of the fort, which were rotten and dry, and would easily ignite. JOSEPH SNELLING was put in command of one of the block houses, and JEAN BRUNET of the other, with a few picked men in each, who were trained to the use of the swivel and wall pieces that were found and mounted therein ; and a number of barrels were placed around the quarters filled with water, with orders in case of an attack to cover the roof of the buildings with blankets, &c., and to keep them wet. All the blacksmiths were put in requisition to repair the condemned muskets found in the fort, and, mustering our force, we found of men and women about ninety that could handle a musket in case of an attack.

The next day after taking possession of the fort, J. B. LOYER, an old *voyageur*, was engaged to cross the Mississippi and go back through the country, now the State of Iowa, to inform Col. SNELLING, commanding Fort Snelling, of our situation. For this service LOYER was promised fifty dollars, and furnished with a horse

to ride and provisions, and DUNCAN GRAHAM was engaged to accompany him, for which he was to receive twenty dollars, provisions and a horse to ride; and for these payments, I became personally responsible.

Governor CASS, who had come to Butte des Morts, on the Fox river, to hold a treaty with the Winnebagoes, learning from rumor that there was dissatisfaction among them, started in his canoe, and arrived at Prairie du Chien on the morning of the fourth of July. He ordered the company of militia into the service of the United States, and appointed me quarter-master and commissary, with the request that I would use my own funds for the supply of the department, and that he would see it refunded; and, furthermore, assumed the debt for ammunition and provisions already advanced, and also the expenses of the express to Fort Snelling, and directed me to issue to the troops a keel-boat load of flour, that I previously receipted for to one of the agents of the contractors for Fort Snelling, who feared to go farther with it.

After these arrangements had been made, Gov. CASS proceeded in his canoe to Galena, and raised a volunteer company under the late Col. ABNER FIELDS as captain, and assigned him the command of Fort Crawford. Lieutenant MARTIN THOMAS of the U. S. ordinance department, and then stationed at the arsenal near St. Louis, who happened to be at Galena, came up and mustered the two companies of the militia into the service of the United States; and contracted with PHINEAS BLACK, of the village of Louisiana, in Missouri, whom he found at Galena, for a quantity of pork which was sent up by the boat that brought the volunteer company. Gov. CASS proceeded from Galena to St. Louis to confer with General ATKINSON, then in command of Jefferson Barracks, and of the western military department. This resulted in Gen. ATKINSON's moving up the Mississippi with the disposable force under his command at Jefferson Barracks. During this time, Col. SNELLING came down the Mississippi, with two companies of the

fifth regiment of U. S. Infantry, and assumed the command of Fort Crawford, and soon after discharged the Galena volunteer company, as they could not well be brought under military discipline. But the Prairie du Chien company was retained in service until some time in the month of August, for which service, through the fault of some one, they never received any pay.

During this time General ATKINSON arrived with the troops from Jefferson Barracks, having on his way up dispatched a volunteer force under General DODGE from Galena, to proceed by land to the Portage of Wisconsin. When General ATKINSON with great difficulty, owing to the low state of the water in the Wisconsin, arrived at the Portage, he met old grey-headed DAY-KAU-RAY with his band, who finding himself surrounded by the volunteers in the rear, and General ATKINSON's force of regulars in front, and a company of volunteers from Green Bay, concluded to disclaim any unfriendly feelings towards the United States, and disavowed any connection with the murders on the Mississippi. Gen. ATKINSON, on these assurances of DAY-KAU-RAY, returned, but ordered the occupation of Fort Crawford by two companies of troops. Notwithstanding these murders of our citizens and movements of troops, the wise men at Washington, with about as much judgment as they generally decide upon Indian affairs, decided that this was not an Indian war.

After the people had taken possession of the fort, and before the arrival of General CASS, Indians were seen in the village, and a guard was sent out to take them and bring them to the fort. They made no resistance, but surrendered themselves, and were brought to the guard-house. One proved to be the famous RED BIRD, who headed the party that murdered GAGNIER and LIPCAP; another was WAH-WAH-PECK-AH, the Indian I had met up the Wisconsin river, and whose conduct had so much alarmed me and my men; the other was a young Indian whose name I do not recollect. There being no charge of crime against WAH-WAH-PECK-AH and the young Indian, after the United States troops were sta-

tioned at Fort Crawford, they were discharged; and RED BIRD was retained in the guard-house, where he died before he was tried for the murder of GAGNIER and LIPCAP.

The first Sunday-school established in the place was by my first wife, Mrs. JULIANNA LOCKWOOD. Mrs. LOCKWOOD was raised among the Presbyterians or Congregationalists of New England, and early imbibed the strong prejudices of those people against the Roman Catholics, but afterwards, having lived in Canada two or three years, and having become intimately acquainted with several ladies of that faith, who were apparently good pious people, she concluded that there were good and bad among all sects or denominations calling themselves Christians, and her early prejudices in a great measure wore off. We were married in the summer of the year 1824, and came to Prairie du Chien in the autumn. There was not at that time any church or meeting to attend on Sunday. Even the Roman Catholics had a priest visit them only occasionally, and Mrs. LOCKWOOD having been accustomed to see the children collected in Sunday-schools, and seeing a large number playing about the streets on the sabbath, concluded it would be doing them a good service to gather them into a Sunday-school, and proposed to Miss CRAWFORD, a young lady raised in the place, who spoke English and French fluently, and who had a good common education, to assist her. To this she agreed at once, and they influenced Dr. EDWIN JAMES,* surgeon of the U. S. army, then stationed at Fort Crawford, and JOHN H. KINZIE, Esq., formerly of Chicago, then quite a young man, in the employment of the American Fur Company at Prairie du Chien, to assist them. They collected the children, and commenced their school in the spring of 1825, and continued it until the winter following, but not without opposition. As this measure did not originate with Mr. ROLETTE, he felt bound to oppose it. He took what he thought would be the most effectual mode of

* Dr. JAMES accompanied Maj. LONG's expedition to the Rocky Mountains in 1819-'20, of which he wrote a Narrative, published in 1823, in three volumes; and, in 1830, appeared Tanner's Indian Narrative, of which he was the editor.

suppressing it, by going to the mothers of the children who attended the school, and representing to them that it was the design to make Protestants of the children. To counteract Mr. ROLETTE, they introduced and taught the children the Roman Catholic catechism, finding nothing to their minds very objectionable in it; and, as I said before, they continued their school until winter, during which time Dr. JAMES was ordered to some other post. In the spring of 1826, my wife and myself went to New York; Miss CRAWFORD accompanied us as far as Mackinaw, where she remained until she was married. Mr. KINZIE went also to Mackinaw, during which time he received an appointment in the Indian department, under Gov. CASS, and went to Detroit to reside. The Sunday-school was not again resumed, nor was one again attempted in the place until about 1830, when the members of the different religious denominations united in forming the Union Sunday-School. This continued a few years, until the Methodists becoming by far the most numerous class, assumed the management of it, since which time they have claimed it as a Methodist Sunday-School.

When the fifth regiment of U. S. Infantry came into the country in 1819, and established their head-quarters at the mouth of the St. Peter's River, they brought with them a man by the name of JOHN MARSH, a graduate of some eastern college, as teacher of the post school at head-quarters. He appeared to have a great fondness for the Sioux Indians, and was endowed with the faculty of acquiring languages with great facility; he soon learned the Sioux language, so that he spoke it with as great ease as they did themselves. Getting tired of teaching an army school, he came down to Prairie du Chien in 1826, and went over to Green Bay, and either went to Detroit, or somewhere met Gov. CASS, who was much interested in getting Indian information, traditions, anecdotes, tales, &c. He employed MARSH by the month for that purpose, and procured for him the appointment of Sub-Indian Agent at Prairie du Chien, and appointed him Justice of the Peace for the county of Crawford.

Some of his decisions were almost equal to those of Judge REAUME of Green Bay. He was in the practice of taking notes for collection, and issuing process on them. Some person sent him a note to collect from Green Bay against BENJAMIN ROY. Now there were two men in the country of that name, one resided at the Portage of Wisconsin, and the other was in the employ of the American Fur Company at Prairie du Chien. Neither of them could write his name. The note was signed with a mark, and witnessed by a man who wrote his name, and the witness had gone into the Black River country to winter. MARSH believing that the ROY that was here was the man, issued process and had him brought before him, but he denied any knowledge of the note; but MARSH, satisfied that he was the person who gave it, rendered judgment against him for the amount, and said he would examine the witness when he came down in the spring. Col. DOUSMAN hearing of this decision, went to MARSH and told him that if he proceeded any farther in the case, he would report him to Gov. CASS. That ended the proceeding.

In 1830, a party of Sauks and Foxes killed some Sioux, on or about the head-waters of Red Cedar River, in the now State of Iowa; and, the same season, a band of Fox Indians, who resided about where Dubuque now is, had occasion to visit Prairie du Chien on business with the Agent, whom they had previously informed that they would arrive on a certain day. An Indian called the KETTLE was their chief. It was generally believed that JOHN MARSH gave the Sioux information of the coming of the Foxes, and of the time they were expected; and on the morning of the day appointed for the arrival of the Foxes at Prairie du Chien, a small war party of young Sioux made their appearance here, and joined by a few of the Menomonee young men, proceeded down the Mississippi to the lower end of the Prairie du Pierreaux, some twelve or fifteen miles below Prairie du Chien, where a narrow channel of the Mississippi runs close to that end of the prairie, fringed with small trees, bushes and grass. They knew the custom of the Indians in going up stream to avail themselves

of all such side channels, as there was less current in them than in the broad river; and secreting themselves among the bushes, trees and grass, awaited their unsuspecting victims. When the Foxes came within point blank shot, they all fired upon them, killing their chief KETTLE and several others. The Foxes finding their chief killed, returned down the river to carry the news of their misfortunes to the tribe, while the Sioux and Menomonees returned home with the tidings of their victory, and to dance over it. They passed through Prairie du Chien, and remained a short time here, but for some unaccountable reason, no notice whatever was taken of it.

The signs of several war parties of the Foxes were reported to have been seen on the opposite side of the river during the year; but they effected nothing until sometime, I think, in June, 1831, when a considerable number of Menomonees had collected at Prairie du Chien, and encamped on an island near the eastern shore of the Mississippi, about one-fourth of a mile from the old Fort Crawford. They had obtained whiskey enough for all to get socially drunk upon—and it is rare to find a Menomonee who will not get drunk when he has a chance; and they had carried their revels far into the night, until men, women and children were beastly drunk. About two hours before day, a Fox war party, that had been watching their movements, fell upon them in that helpless state, and killed about thirty of them. By this time, some of the more sober of them were aroused, and commenced firing upon the Foxes, who fled down the river, pursued a short distance by the Menomonees.

THOMAS P. BRUNETT, the Sub Indian Agent, was sleeping with me in my store, and it being very warm weather, we had made a bed of blankets on the counter, when about two hours before daylight, we were awakened by the cries of a Menomonee woman at the store door. We let her in, when she told us of the disaster to the Menomonees. Mr. BURNETT took my horse and went to inform General STREET, the Indian Agent, who lived about four

miles above this, and who arrived about day-light, and gave the first information to the fort. Although there had been a great firing of guns and hallooming among the Indians, the sentinels had reported nothing of it to the officers; but on hearing of the affair, the commandant immediately dispatched a company of men in boats after the Foxes, but they did not overtake them. The Government demanded of the Sauks to deliver up the perpetrators of this deed. The Foxes fled to the Sauks, and their chief, KETTLE, being dead, they remained among and amalgamated with them, and have not since continued a separate nation or tribe. I have always believed this to be the origin of the Black Hawk war.—There were, I suppose, other causes of discontent, but I believe that this transaction was the immediate cause of the movements of Black Hawk.

In 1830, the present Fort Crawford was commenced, and, in 1831, it was occupied with a part of the troops, leaving the sick in the old hospital, and the surgeon in the old fort. The fort, I think, was finished in 1832. In 1833, the authorities of Crawford county concluded to build a court house and jail, and commenced raising funds by increasing the taxes; and, in 1836, constructed a stone building of sufficient size to have on the ground floor a room each for criminals and debtors, and two rooms for the jailer, with a court room and two jury rooms on the second floor. The taxable inhabitants then in the county were confined to the Prairie. We were then attached to Michigan Territory, and so well were our county affairs managed, that the taxes were not raised more than five mills on a dollar to pay for this improvement; and this was the first court house erected in Wisconsin.

Sometime in 1827 or '28, the Chief Justice of the county and one of the Associate Justices having removed away, I presume application was made to Governor CASS—I do not know how it was, as I was absent from the last of July, 1827, to the summer of 1829; and JOSEPH ROLETTE was appointed Chief Justice, and JEAN BRUNET Associate Justice. When THOMAS P. BURNETT ar-

rived here, in 1830, he found the court so different from what he had been accustomed to, that he at once decided that he could not practice before one organized as ours then was, and made representations of their proceedings to the Governor, reporting some decisions, and sending a petition requesting their removal, and the appointment of General JOSEPH M. STREET* as Chief Justice, and myself and HERCULES L. DOUSMAN as Associates. These removals and appointments were accordingly made. Mr. MICHAEL BRISBOIS, the other Associate Judge, became blind in 1829, and, I believe, died in 1837, and by his son, at his request, was buried on a prominent bluff back of Prairie du Chien.

JOSEPH ROLETTE, of whom I have so often spoken, was a Canadian by birth, of French extraction, and an educated man. He told me he was educated for the Roman Catholic church, but, not liking the profession, he quit it and served a regular apprenticeship to mercantile business, and, about the year 1804, came to Prairie du Chien in business connection with Mr. CAMERON,† an old Indian trader who usually resided at Lac-qui-Parle on the St. Peter's River. Mr. ROLETTE superintended the business at the Prairie, and kept the books of the concern; wintering occasionally at, and in the vicinity of Lake Pepin, and returning to Prairie du Chien early in the spring, to take advantage of the spring trade of the Indians visiting here. Mr. ROLETTE was an active merchant and trader, and I suppose would be called a clever merchant; that is, he was active in taking every advantage of his neighbor for making money, without regard to the morality of the transaction. Although he was active in business, and

* Gen. STREET migrated from Richmond, Va., in the winter of 1805-'06, to Frankfort, Ky., where he soon engaged in the publication of the *Western World*, and for several years took a conspicuous part in the gladiatorial field of Kentucky politics. Appointed, in 1828, to the Indian Agency at Prairie du Chien, he was there during the Black Hawk war, and that captured chief was surrendered to him by ONE-EYED-DAY-KAU-RAY and party; and he died on the Des Moines River, Iowa, while Agent for the Sauks and Foxes, May 5th, 1840, at about the age of sixty years.

L. C. D.

† From the Annals of the Minnesota Historical Society, we learn that CAMERON had his trading post towards the sources of the Minnesota; that he was a shrewd and daring Scotchman, and died in 1811; and the spot where he was buried, on the Upper Minnesota, is known to this day as *Cameron's Grave*. MURDOCH CAMERON left behind him a name of much celebrity in the North-West.

L. C. D.

used every exertion to make money, it was not with the miserly disposition of hoarding it, for he was equally liberal in scattering it. Among many bad qualities as a citizen, Mr. ROLETTE yet possessed many redeeming traits. He was hospitable and generous, and liberal to the poor, and where a man had met with loss by accident, he was generally one of the first to afford relief; and, for an Indian trader, he had considerable enterprise for the prosperity and improvement of the country. I believe that he introduced the first swine into the country, but am not sure that such is the fact; I know that he introduced the first sheep, and that he was much imposed on in the purchase. He bargained with an American below this on the Mississippi, to deliver him a certain number of ewes at the Prairie. The man brought the number of sheep, and told him they were according to contract, and Mr. ROLETTE knowing very little about sheep, counted them and directed his man to take them to his farm, and paid for them agreeably to contract, and after a while some one examined them, and found that instead of ewes they were nearly all wethers.

About 1840, a man by the name of MANHAN, who was a tanner and currier, came to this place, and proposed to set up his business here, but not having the necessary means, Mr. ROLETTE advanced them to him; but it turned out a poor adventure. I must here relate an anecdote of ROLETTE. His ambition was always to be ahead of me in everything. I think that some time in 1823, I mentioned to some person that I thought a distillery would do well at the Prairie, and that I would introduce some rye; and if I could induce the French to raise it on the front of their farms that were sandy, I would build a distillery, but wished to get the rye growing first. Mr. ROLETTE hearing of my suggestion, concluded at once that he would build a distillery; and in going to Mackinaw, he fell in with a man by the name of CURTIS, who had been a captain in the army, and had been cashiered by court-martial, and being without means of support, was ready for almost anything. He persuaded Mr. ROLETTE, that he was a

scientific man, and could do almost anything, and especially was well acquainted with distilling. Mr. ROLETTE engaged him, and brought him to the Prairie, in 1824; but as the distillery was not yet built, Mr. ROLETTE employed him as a teacher in his family, for which he was very well qualified. During this time Mr. ROLETTE ordered and received the coppers and other apparatus for his distillery. For some reason, the building of the distillery was delayed until the spring of 1828, when a man by the name of GIAPON, a Canadian by birth, clerk of our circuit court, and fond of a joke, told Mr. ROLETTE one day, that I would make him build a distillery; that I had only to say that I was going to build one, and he would be certain to immediately do so. It was not true that I had ever said so to GIAPON, but Mr. ROLETTE soon after sent his coppers and other apparatus to St. Louis, and nothing more was heard of the distillery.

It was so well understood that Mr. ROLETTE would oppose any measure that he did not introduce, that when I wished to carry out any object without opposition, that I considered for the public good, I would get some person to go to Mr. ROLETTE and tell him that I was going to introduce such a measure, and I would soon after hear that Mr. ROLETTE was going to do the same thing. I would of course second him and we would get along without any difficulty. Mr. ROLETTE was evidently the first man of this little village when he came to the country, and some may say that in representing his foibles, I have maliciously taken advantage of him, as he cannot now answer for himself. As we were for several years opposing candidates for the rank and consideration of the first man of our little village, and were rival Indian traders, I have introduced our respective names only when necessary to elucidate the events in the history of the region of Prairie du Chien.

Col. HERCULES L. DOUSMAN came to the Prairie in the autumn of 1827, in the employ of the American Fur Company, and has ever since steadily pursued what he appeared to have most taste

for, the accumulation of wealth, until at this time he is considered very wealthy.

In speaking of the early settlers, and their marriage connections, I should perhaps explain a little. In the absence of religious instructions, and it becoming so common to see the Indians use so little ceremony about marriage, the idea of a verbal matrimonial contract became familiar to the early French settlers, and they generally believed that such a contract of marriage was valid without any other ceremony. Many of the women, married in this way, believed, in their simplicity and ignorance, that they were as lawfully the wives of the men they lived with, as though they had been married with all the ceremony and solemnity possible. A woman of Prairie du Chien, respectable in her class, told me that she was attending a ball in the place, and that a trader, who resided on the Lower Mississippi, had his canoe loaded to leave as soon as the ball was over, proposed to marry her; and as he was a trader and ranked above her, she was pleased with the offer, and as his canoe was in waiting, he would not delay for further ceremony. She stepped from the ball-room on board his canoe, and went with him down the Mississippi, and they lived together three or four years, and she had two children by him. She assured me that she then believed herself as much the wife of this man as if she had been married with all the ceremony of the most civilized communities, and was not convinced to the contrary, until he unfeelingly abandoned her, and married another; and from her manner of relating it, I believed her sincere.

In 1816, at the time of my advent to Wisconsin, the Menomonees inhabited the country about Green Bay, and their women occasionally married Winnebagoes, but not often. The Menomonees are a quiet and peaceful race, well disposed, and have always, since their acquaintance, been friendly to the whites. TOMAH, the acting chief of the nation, was highly spoken of by all the traders as a great and good man. It was related to me by some of the traders at that period, I believe it was Judge LAWE, that at

the time of the general combination of the Indians under PONTIAC, in 1763, for the destruction of all the English in the western country, the Menomonees under their chief TOMAH, went to the officer in command of the British fort at Green Bay, consisting of about twenty men, and informed him of the plot for their destruction, in common with other garrisons, but if he would abandon the fort, and he and his men surrender up their arms, that he, TOMAH, and his people would conduct them safely to Montreal. The officers and men yielded up their arms to TOMAH, except Sergeant NOBLES, who declared that he would never surrender his gun to an Indian, and was finally allowed to retain it. All were safely conveyed in canoes to Montreal; and Sergeant NOBLES, for his fearless conduct, though he could not be promoted, having a family, he was favored with a discharge, and engaging in his trade of a shoemaker, eventually became wealthy. But as I see no special mention made of it in Lieutenant GORRELL'S Journal of those times, published in the first volume of Collections of the Wisconsin Historical Society, I conclude there must be some mistake about it.*

The principal villages of the Winnebagoes were at the lower and upper end of the lake of that name, with an occasional lodge along the Fox river. At the season that traders generally passed the Portage of Wisconsin, they would find old grey headed DAY-

* This tradition, judging from GORRELL'S Journal and PARKMAN'S History of the Conspiracy of PONTIAC, cannot be regarded as reliable. It is certain that Lieut. GORRELL and his men made no surrender of themselves or arms; and that the Menomonees and others, conducted them to the village of L'Arbre Croche, in the region of Mackinaw, whence the Menomonees returned to Green Bay. But this tradition serves to confirm us in the belief, that TOMAH or CARRON was much older than represented by the inscription on his tomb-stone, and that he was a man of consequence during the border wars of 1755 to 1763. In GORRELL'S Journal, referring to the events of 18th May, 1763, he speaks thus: "The Chiefs [of the Menomonees] were much displeased at CARROY'S getting a present from Mr. GODDARD of a fine suit of embroidered clothes. This CARROY was much thought of by the French." This refers undoubtedly to the noble TOMAH or CARRON; and we hope hereafter to be able to prepare, for some future volume of the Society's Collections, a more extended and detailed account of his life and character than has yet been given. What was recorded of him in our last year's Report and Collections, excited general interest in the history of this brave and generous chief. His nobleness and generosity of character reflect real honor on the Indian race, and on the Menomonees especially; and it should be the pride and pleasure of our Historical Society to spare no pains to search out and garner up every fact extant, illustrative of the career of so truly great and worthy a Wisconsin chieftain. L. C. D.

KAU-RAY at the Portage with his band. Their village was a short distance from there up the Wisconsin, and the Winnebagoes had villages up the Manois [?] and on the Baraboo Rivers, and several small ones along down the Wisconsin to near its mouth. They were estimated at that time by the traders best acquainted with them, to be about nine hundred warriors strong. Of the DAY-KAU-RAYS, there were four or five brothers, who were all influential men in the nation, and I knew one sister who had a family of children by a trader named LECUYER, who had married her after the Indian manner. Tradition says that their father was a French trader, who during the time the French had possession of the country, married a Winnebago woman, the daughter of the principal chief of the nation, by whom he had these sons and daughter; that at the time the country was taken possession of by the English, he abandoned them, and they were raised among the Indians, and being the descendants of a chief on the mother's side, when arrived at manhood they assumed the dignity of their rank by inheritance. They were generally good Indians, and frequently urged their claims to the friendship of the whites, by saying they were themselves half white.*

I suppose that having been so long among the Indians, it will be expected that I should give some account of their manners, customs, religious ceremonies, &c.; but of the Indians who inhabit Wisconsin, I can say very little. The Indians who visit a trading post like Prairie du Chien, are generally seen in their worst state, and I always had such a dislike to the Winnebagoes, that I never sought to learn their language, or much of their customs or ceremonies. The Indians with whom I am most familiar are the Sioux, with whom I spent three winters in their own country, where I saw many Indians who had never seen any

* Mrs. KINZIE conveys the idea, that they boasted of a remote cross of French blood in some former generation; that they possessed remarkably handsome features, and their mother was living as late as 1831, then supposed to be over one hundred years of age. Mrs. KINZIE designates one of the DAY-KAU-RAYS as a "grand old chief"—the same doubtless, mentioned by Judge LOCKWOOD; and another, his very antipodes, was not inappropriately called *Rascal* DAY-KAU-RAY; and the One-Eyed DAY-KAU-RAY was distinguished for the part he took in the capture of BLACK HAWK. L. O. D.

white men, except occasionally a trader. But none of the Sioux have ever resided within the limits of our State, although they were at one time included within the Territory of Wisconsin, when what is now Iowa and Minnesota formed a part of that Territory. Of them I will endeavor to give some account.

And, firstly, of their marriages. When a young Indian desires to marry, he invites his relatives, who are near or in camp, to a feast, and informs them that he wishes a certain girl for his wife. If they are in favor of the match, they immediately collect goods and suitable articles for a present to the relations of the desired one. One gives a gun, another a blanket, and another a kettle or horse, as they may happen to possess at the time. When the collection is completed, some of the relatives carry the presents to the lodge of the father of the young woman; one of them expressing in song the object for which they are intended, and leave the things at the door and retire. If the father is favorably disposed to the match, he invites all his relatives that are near to a feast, and when assembled, if they conclude to give the girl in marriage to the young man, each takes of the articles such as he can return in kind; for instance, if one can return a gun, horse, kettle, blanket or other articles, he takes such an article; and presents in this way are made up by the relatives of the desired bride, generally of the same kind of articles they have received, and taken, together with herself, to the lodge of the young man with singing, &c. After which she returns again to the lodge of her father, where they usually reside, the son-in-law hunting for the father-in-law until about the time the oldest child can walk, after which he generally gets a lodge for himself. A small apartment is petitioned off in the lodge of the father-in-law for the young couple. The young man generally during the day is out hunting, and seldom visits the lodge of his bride until the others have gone to sleep, when he crawls into the lodge. There is no familiarity between the parents of the bride and their son-in-law. If he is ever in their presence, he appears ashamed, and seldom speaks to them. If he wants to communicate to them, it is done through

his wife; and if he happens to be in a trader's house, and either father or mother-in-law enters, he generally retires. Such is Sioux etiquette between these relations.

Of births. As soon as a child is born, the mother goes into the water, and stands in it over her waist, and bathes herself for some considerable length of time. If in winter, she has a hole cut in the ice, through which she enters and bathes.

Deaths and burials. When a person dies, the body is decorated in all of his or her finery, and four forks or crotches are cut and stuck in the ground, upon which a scaffold is made, and the deceased wrapped in a newly painted buffalo skin or new blanket, and laid thereon with some ceremony. If the death takes place at a trader's house in the fall before they go to their hunt, an old woman, a relative of the deceased, is left there to feed and cry over the dead during the absence of the others. She usually goes about dark in the evening with a dish of provisions, and sits down under the scaffold, and commences crying and howling, with loud lamentations, and calling upon the Great Spirit something as follows: *Wah-kaw-tong-gaw, oh she mendok* (naming the deceased) with other cries, which mean—Great Spirit, have mercy on the deceased, &c. This doleful noise is very unpleasant, and after continuing it for about an hour, she leaves the dish of food under the scaffold, and returns to the lodge, and the dogs or wolves eat the provisions, when the Indians suppose the dead eat them. The corpse is left in this manner until nothing remains but the bones, when they are collected and carried to their village. At one time at my house in St. Peters, an Indian of some note, who had four grown daughters, had a death in his family, and he named four young men to build the scaffold and put the corpse thereon, and when concluded, he rewarded each with one of his daughters for a wife.

When a death happens in a family, no matter how well they are clothed, the good clothes are stripped off and given away, and the worst old leather rags substituted in their place, besmear-

ing their hair, hands and face with dirt, leaving the hair un-combed to mat with the dirt, gashing their legs and arms, and leaving them to get well without the least attention. Some of them carry their grief so far as to raise the skin of their arms and pierce holes with their knives, and put pegs through. They continue their mourning about a year, although by giving a feast and performing certain ceremonies they can be relieved from their mourning in a much less time.

Religious superstitions, &c. Wawkaw, in their language, signifies a spirit or spiritual. The French have interpreted or rendered it medicine, but the Indians call the Great Spirit or God WAW-KAW-TONG-GAW, the latter part signifying *great*. The devil they call WAW-KAW-SHE-COH, the latter part signifying *bad*. It is difficult to get an Indian to talk on the subject of his religious belief, but my interpreter, who was a half breed, informed me that they believe, that the great Good Spirit resides in a beautiful country of good hunting ground, and where there is everything in abundance that an Indian can desire, even a plurality of beautiful wives. But to get there, they must be good Indians in this world, and perform all their duties well as hunters, warriors, &c.; that on the way to this happy land, there is a deep gulf to pass, with a very narrow way to cross it, and that only the good can successfully pass over; that the bad, in attempting to pass, fall off into the gulf, and wander about in a starving condition. They are very particular in performing their religious rites by feasts, sacrifices, &c. The first fruits gathered are set apart for the purpose of a spiritual or holy feast; the first corn or wild rice of the season, the first duck or goose killed when they appear in the spring, are all reserved for the feast; at which those Indians only who are entitled to wear the badge of having slain an enemy, are invited. The women, and those who have never taken the scalp of a foe, no matter how hungry, are never invited to participate. You will see boys of sixteen or eighteen years of age at the feast, while old gray-headed men are excluded with the women,

and looked upon as old women, which is a term of great reproach among them. We cannot then wonder, that the Indian tribes are so constantly at war, as it is the only thing that gives them fame and consequence among themselves. I was told of a tradition of the Sioux, that in ancient times a man could not get a wife until he had killed an enemy. The mother trains her sons to believe that revenge upon their enemies is a cardinal virtue, and this advice and admonition are constantly instilled into their minds.

From early infancy they believe in minor evil spirits, and in ghosts who operate upon, and influence them. While sleeping in a camp of Indians in the night, you will frequently be awakened by the firing of guns, and enquiring the cause, you will be told they are shooting the dead that trouble them. Over-loading their stomachs, as they often do, they are no doubt frequently troubled with the night-mare, and imagine that they are attacked by a ghost, and get up and shoot at their supposed intruder. They have also their doctors and astrologers, who are well paid for their services. When a person is sick, they send for a doctor, who gets his pay in advance. He then commences shaking over the sick his gourd, which has in it some beads to make it rattle, until he finds out what is the matter with his patient, which he generally discovers is, that some beast, fish or bird has got into the body of the patient, which by shaking his rattle, signing, and other necromancy, he causes to depart. Previously to driving out the unwelcome intruder, he cuts its figure or likeness out of birch bark, and places it in front of the door of the lodge, with two young men situated so to fire at it from different directions at a given signal, who generally blow it into pieces. If this operates upon the mind of the patient so that he recovers, it is well; if not, there is some mistake about it—the animal was not killed, or some evil spirit operates against him. So they try it over again, and probably continue to do so for months, until the patient recovers or dies; in which latter case, they have always good reasons to show why the patient did not recover.

They have some few specifics, which they sometimes administer, but their art consists mostly in necromancy. They cure wounds generally sooner than most surgeons, because they suck them, and thus keep them clean from all matter. It is also the business of the doctor to suck clean any old sore that he undertakes to cure, no matter how filthy or disgusting, even venereal disorders and sore eyes; I have seen the doctor pretend by sucking to draw from sore eyes small bits of straw, &c.; and, according to their theory, as in most other complaints, some animal, bird, fish or reptile has inflicted the disease.

The father-in-law of my interpreter, was an Indian doctor among the Sioux. I recollect hearing the old man the most part of a day singing and shaking his gourd-rattle in his lodge; after which he came into the house, and sat down looking very serious and thoughtful. His son, over thirty years of age, had sore eyes, and he was endeavoring to effect a cure. He said, that nearly thirty years before, when his son was a very small boy, he had fastened a pin to a stick, and was amusing himself one day spearing minnows, and that he thus pricked one with his pin-spear; and that it was strange, that the fish, after so long a time, should come to seek revenge on his son's eyes.

Their sooth-sayer or spiritual man after sweating alone in a small lodge and singing, pretends to foretell events, as when certain friends will arrive, or when the buffalo will come into that neighborhood, or when some other expected event will happen, and should it fail they will explain it by saying, that the little spirit lied to them, an image of which each one of these jugglers carries in his holy or medicine bag. An Indian in a pious fit hangs on a tree a beaver or otter skin, bear or dressed deer skin, for a sacrifice to the Great Spirit, which remains there until destroyed, or until some other Indian passes that way, wants and takes it, leaving a piece of tobacco in place thereof, which he may lawfully do. On the Prairie are often found isolated granite rocks, which, from their isolated and scattered appearance are consider-

ed holy, and every Indian who passes them, either paints them with vermillion, or leaves a piece of tobacco as a tribute to the Great Spirit. Hence the great number of places in this country, where the Sioux were accustomed to pass, that bear the name of Painted Rock.

I have frequently been told by French *voyageurs*, traders, and interpreters, of the ceremonies performed by some juggler, in going into his little holy lodge, to consult with the Great Spirit. After having fasted a while, he strips himself naked, and goes into the lodge alone; and soon after entering, the poles of the lodge commence shaking violently, and those without hear two or three distinct voices within. After this has continued about two or three hours, the juggler comes out of the lodge in a high state of perspiration; during the time of the ceremonies in the lodge, the jingling of bells and other musical instruments is heard, as though they were attached to poles of the tent or lodge, and my informers generally believed that the Indians had communications with the Devil. It so happened, that I never witnessed one of these scenes.

The Sioux have a feast which is calculated, in their estimation, to preserve their women from all illicit connections. It is after this manner: The young Indians, like some young white men, are in the practice of vaunting of having gained some advantage over some frail one of their tribe. When a woman, either married or single, learns that she has been slandered in this way, she selects a spot, clears away the bushes and rubbish, builds a fire, puts the kettle on, makes a circle around it, and near one end of the fire, places a stone painted with vermillion; and when everything is properly prepared, she sends the crier of the camp around to give notice of it. He performs this duty by going through the camp, singing in as loud a voice as he possibly can, that such a woman, announcing her name, will give her feast that day, stating the name or object of the feast, and inviting all to attend. All the women of the camp are usually present on

such occasions; if any one is absent, it is strongly suspected that she dare not come, for fear of being exposed. When assembled on the ground, the hostess of the feast heads the ring formed by the women, and marches around until she reaches the painted stone, which she touches reverently, thereby solemnly protesting her innocence.

Some Indian, the while, stands on some slight elevation, and harangues the young men, telling them if any of these women are unworthy to partake of this feast of the virtuous, to fail not to expose them. The young men pride themselves upon every exposure it is in their power to make; so that a woman who is unworthy dare not be present, unless she happens certainly to know that her guilty paramour is so far away that he cannot be there. If a woman, not worthy to partake of the feast is so bold as to venture there, the Indian who says she is not worthy, goes and takes her by the arm, and leads her out, asking her before the whole assemblage, if she does not remember such a time and place, which he specifies. It is thought that they seldom falsely accuse, as they believe that if they do so, the Great Spirit would be angry, and visit them with some dire calamity.

Their feasts. With Indians, a man who gives feasts is popular and well spoken of, and has plenty of pretended friends, precisely as with the white man who often gives good dinner and other parties. They have their holy or sacred feasts, where the guests know, when they are invited, of what they are to partake; and as they pride themselves upon the quantity they can eat, each carries with him the sized dish which he supposes he can eat full. The master of the feast, not eating himself, serves the others, singing and shaking his gourd-rattle all the time. Nothing of this food must fall to the ground. Each guest's dish is filled, and he must eat it himself, or pay some one else to eat it for him; and frequently in attempting to devour what has been put in their dish, they eat until they vomit it back again into the dish, as nothing is allowed to fall upon the ground, and some one must be

hired to eat it for them. They have been known to gormandize to that extent, that on leaving the feast they have fallen down dead; but even then, the survivors will not admit that it was over-eating that killed them. After the feast is over, the dishes and kettle are carefully wiped out with grape or evergreen boughs. They accustom their sons, when children, to eat a great deal, and frequently stuff them, when very young, with raccoon oil, to expand their stomachs, and often boast of their feats in eating.

The dog feast. The Sioux Indians, and I believe it is true of all others, consider that the greatest compliment they can pay a stranger, is to give him a dog feast. And this intended compliment constitutes the burthen of the speech of the giver of the feast, or the master of ceremonies. The traders are generally invited to these feasts. I have tasted dog meat; it is like pork, only it has a sweeter taste; those who can get over the prejudice against such meat, become very fond of it, but my prejudice was too strong ever to be able to relish it.

I think the Indians understand the art of flattery as well as any people in the world. When I concluded to enter into business for myself, there were several Indians of influence from about the mouth of the St. Peter's River, and of the Gens de Feuille or Leaf Nation from the Little Rapids on the St. Peters, who had wintered in my neighborhood, and came to my house in the spring. I agreed with these Indians to meet me at my wintering house in the fall, with as many of their tribes as they could persuade to come up, that I would have a large cargo of goods, and would fit them out to go across to the head of the Mississippi to hunt. According to agreement, I met them in the fall, with two Mackinaw boat loads of goods, and found on my arrival, about three thousand Indians of the Yankton, Sissiton, Gens de Lac, Gens de Feuille, and other Sioux bands, encamped about it, and they received me with a grand salute, each man having a gun, firing with ball over the boat, so that we could hear the

balls whistle nearer than was agreeable to us. They had prepared several lodges together, so as to make one great lodge of at least twenty feet, across the middle of which they had made a wall of dried buffalo meat,* and had made a dog feast, to which they invited me. The customary speech on such occasions was made, as usual; saying that this feast was designed as the greatest compliment they could pay me, and then added: Your Father must be a great man to send out one so young as you, with so many goods, and we hope you will be very charitable, and furnish us with plenty of clothing to keep ourselves, women and children warm, and with plenty of ammunition with which to hunt, etc. To all which I replied, that unfortunately my father was a poor man, and I was a poor boy, and that I had got these goods on credit to supply their wants, and that unless they hunted well and loaded my boats with furs, I should not be able to pay for these goods, and get more to come back again; but that I would furnish them with clothing to keep them warm, and with arms, traps and ammunition to keep them from starving, and hoped they would hunt well and pay me, so that I could get more goods and continue to trade with them. I took to my house the meat presented, and made them payment in suitable presents of ammunition, etc.†

An Indian thinks it politeness to eat everything that is set before him, and when traders are invited to a feast, what they do not eat, they generally carry home with them in the dish and give it to their men, and send back the dish with a piece of tobacco in it.

* The manner of drying the buffalo meat is this: They take each side and the belly, and cut and spread them out thin, so that they will thoroughly dry through; when fully extended, this makes a sheet of about the size of a deer skin, and when dried they fold them up as they do their deer skins, and pack them into bundles. J. H. L.

† It is proverbial, with all acquainted with the Indians, that to receive presents from them is by far the most expensive way of obtaining their desirable commodities, as the trader not only has to pay back the full value of the articles, but also something clever in addition for the compliment of the present. It is not uncommon for a Yankton chief to make a present to the trader of all the buffalo robes he brings, and after he has received in return all they are really worth, together with something for the compliment, he remembers a great many little articles, naming them, of which he is in want; and if not gratified, he is offended, or pretends to be so. Though it is, in Indian etiquette, an insult to refuse a present, I have often done so, and advised the Indian that he had better trade them in the usual way.

I have seen generous ladies residing in the neighborhood of the Indian country, when visited by Indians, set food before them and keep renewing the supply, and wondering at the Indians eating so much, whereas they considered themselves bound in politeness to eat all that was set before them.

When Indians become too old and infirm to travel, they build a fire near water, and giving them some provisions and generally a small kettle, leave them to take care of themselves. Many children from exposure and learning them to be great eaters, die in infancy. The practice of leaving the aged to die, applies more particularly to migratory bands on the plains. Indians living about lakes and rivers, where they have canoes, I do not think ever expose them thus, at least I never heard of an instance.

You never see a Sioux Indian, if he is in company, smoke alone. The pipe is lighted and he takes a whiff or two himself, and passes it to his neighbor, always passing it around with the sun. When several are assembled together, you will see a number of pipes going the rounds in the same manner. Their principal subjects of conversation at these times, are their wars, feasts, hunting and their women. A man may have as many wives as he can maintain among the Yanktons; the more he has, the better he is off, as they can dress and prepare the more buffalo robes for market. If an Indian marries the eldest daughter, he is entitled to take the others, as they come to maturity, for wives. But those who do not live in the buffalo range, content themselves generally with two, and many of them with one. I knew one Yankton chief who had six.

When the Sioux women have their *menses*, they are looked upon as unholy and unclean, and are not allowed to remain in the lodge with the family, but are obliged to build a small lodge outside of the other, and remain alone during the time of its continuance, fed in a dish by one of the family, and not allowed, during the time, to enter the family lodge, or touch anything, except the dish in which their food is handed to them, until the

menstrual discharges cease, and they are washed up. When a maiden arrives at womanhood, and has made her first out-of-door lodge, the public crier goes through the camp or village, and announces the fact in a loud song.

The Sioux have secret societies, something like freemasonry, but they admit women to membership. They meet in a lodge, which is guarded on the outside from prying curiosity, by one of their members. In this lodge they perform their ceremonies. Any person wishing to join them, makes the application through one of the members, and is then on probation for about a year. If they are bad, they must reform. If, at the end of that period, no objection is made, he is generally admitted; and, I was told, that they have signs by which Indians of that fraternity of different bands know each other. Either after or before their meeting, I do not remember which, they assemble and have a holy dance, which is called by the French, *la danse de la grande médecine*, as the French translate all their spiritual or juggling proceedings into medicine. At this dance, among other ceremonies, after dancing and singing awhile, one of their number takes a garnished sac, usually made from the otter, and runs at the different members, making some noise, and they generally fall down or over, pretending that it is the effect of spirits from the bag, and lay prostrate for a moment or so, and then rise again, and join in the dance. This dance is generally continued till late in the night.

The amusements of the men are shooting at a mark, or playing at the game of ball, called by the French, *le jeu de crosse*. This is usually played in the summer on some large prairie,* with a stick about two and a half or three feet long, with a small hoop on one end, crossed with net-work of thongs of leather, making a sort of sac, in which they frequently catch the ball. How they count, or their boundaries, I have forgotten. The women amuse themselves by playing at what is termed the dish-play, which is

* Prairie La Crosse took its name from this game being frequently played there.

performed by having the pits or stones of plums marked on one side with hieroglyphics, and put into a dish, shook up, and turned out, and the marked ones turning up, count. They are so fond of gambling at this play, that they will sometimes continue at it for several days without cessation, and until one or the other has lost every thing that she can put up for a stake. Women well clothed, having lost every thing else, have been known to strip off their good clothes, and gamble them away, and put on old rags. The men also frequently play at this game, and to the same excess as the women. The men have also another game, called the shoe-play, which is generally played by two parties of four each. Four moccasins are placed between the parties on the floor, and the side that gets the first winnings, hides a piece of wood in one of the moccasins, by running his hand into each of them, in the presence of the others, when one of the opposite party searches for it; if he finds it in the first moccasin that he examines, he looses a certain number, I think ten; but if he finds it in the second or third, it counts twenty for his side, and if in the fourth, a less number. The game tallies at one hundred. They play at this game sometimes as long as they can raise anything to wager.

Indians generally in a state of nature, have no word or gesture of salutation. Those acquainted with the customs of white people, sometimes make use of the French salutation of *bon jour*, on meeting a white man, but seldom on meeting another Indian. I was struck with the meeting of some Sioux Indians the first year I was in their country. When the attack was made on Prairie du Chien under Col. McKAY, a son of the Yankton chief called LE GRAND SERVITEUR, happened to be there with the Agent, N. BOILVIN, Esq., and embarked on board the keel-boats under command of Captain YEISER, and went to St. Louis with him, where he was obliged to remain until the war was over; and, in 1816 had got as far back as Prairie du Chien, and as we were then going into his country, we took him into the boat with us.— When arrived in the neighborhood of Lac-qui-Parle, on a cold morning about the first of December, I was awakened from sleep,

and told that there were some Indians on the shore who had made a fire. We disembarked and breakfasted there, and found that the Indians were four Yanktons, the uncles of the young Indian with us. They had come across the country to meet their nephew, who had been absent two and a half years, and previous to their hearing that he was on his way home, they supposed he was dead. The uncles had made a fire and commenced smoking, when the young Indian walked from the boat to where they were, without saying a word to them, or they to him. The lighted pipe was handed to him, when he smoked; and after it had passed around two or three times, they commenced talking slowly, and the conversation at length became general among them.

In almost every Indian camp, they have what is called the soldier's lodge, where the men of consideration of the village assemble to smoke, and talk over the affairs of the nation. An Indian of consideration arriving from another camp, usually goes to this lodge; but if a young man, and not of sufficient distinction to go there, he stands about among the lodges until some one sees that he is a stranger, and invites him to his lodge. On entering, the pipe is handed to him, and after smoking a few whiffs, something is set before him to eat. After he has eaten awhile, conversation is commenced, but no questions are asked previous to his having smoked and eaten. It was sometime before I could learn so much of Indian politeness as to make no inquiry of an Indian arriving, until after the smoking and eating had been attended to. At first I commenced talking to them before this important preliminary, and always found them sulky and obstinate about entering into conversation.

My interpreter, FRENIER, told me that some years previous to the war 1812, that he resided at the same place where we were then wintering, in the employ of Mr. CAMERON; that CAMERON had credited a band of Indians to go on the head waters of some of the streams that empty into the waters of Mississippi in the direction of the Red River of the North; and, that in the month

of February, an Indian runner came from the hunting ground, and informed CAMERON that the Indians were so loaded with furs and peltries, that they could not bring them, and suggested to him to send his men to assist them. He sent FRENIER with some ten men, in company with the Indian, to the camp. After they had traveled some three or four days, they were overtaken by one of those sudden snow storms that are so frequent in those vast prairies in that high latitude. They are often so sudden, and give so little warning of their approach, that you may set out on a prairie on as beautiful a sun-shiny morning as you ever saw in winter, and before noon be enveloped in one of these storms; the snow so fine and thick that you cannot see a rod before you. On this occasion, as FRENIER's party could not see any wood or timber, they concluded their safest plan was to stop where they were. Wrapping themselves snugly in their blankets, they all laid down and let the snow cover them, except the Indian, who, having purchased several blankets from the trader, wrapped himself in them, and staid on top of the snow until the storm was over, which lasted three days, when he discovered that it was not more than one fourth of a mile to a point of wood, whither he repaired and kindled a fire. He then made use of a pole, poking through the deep snow, where he recollected to have seen the men lay down, and found them all alive and uninjured, except one man a little frost bitten on the hip.

In 1816, and for years previous, the Yanktons were in the practice of making up war parties and going into the Spanish territory, for the purpose of stealing choice horses and mules. When on a march from place to place, there are warriors on duty to regulate the march according to rules promulgated before their departure; and, if any one infringes on these rules, he is punished by having his gun broken, his dog or horse killed, his lodge cut, or causing him to suffer a penalty in some manner. The chief, or leader of the party, is not exempt from these regulations. Any act of this kind performed by warriors on duty is not revenged,

as they did it in performance of inflexible regulations; but any affront of an individual in his private capacity, is sure to be revenged sooner or later, and the avenger is always known, as it would not be any satisfaction to him if he could not enjoy the credit of it. An instance came under my observation. It is usual for the trader to take to his post as many guns as there are good hunters, who will probably pay for them. These are generally at first distributed to those for whom he may particularly intend them, before he commences giving out other articles. One year, in distributing the guns, my interpreter overlooked a good hunter, while some other not so good a hunter got the gun. This mortified the good hunter, and that night he killed the horse of every man who had received a gun, and it was known the next morning who had done it, and what was the cause. It is common to revenge an insult or injury by killing the offender's horse or dog, and there are, in this way, a great many horses killed every year among the Sioux. And they not only revenge insults or injuries among themselves, but, as the late Col. ROBERT DICKSON, in conversation with me on the subject, expressed it, "*they revenge upon their enemies the acts of the Almighty*;" for, when a chief or man of distinction dies, they commence singing the war song, and raise a war party to revenge his death upon their natural enemies, as well as to appease the troubled manes of the departed.

It is a prevalent opinion among persons not acquainted with Indian customs and polity, that they, like white people, have a king or great chief over all; but such, so far as I am acquainted, is not the case with any Indians in the North West or South West. The government of their tribes or bands is patriarchal. The chiefs, as with politicians who obtain office, are the greatest slaves among them. They get the honor without independence, not being able to do any act of their own will, without first looking to see if it will be popular. If a chief buys a good gun, and one of his young men takes a fancy to it, and expresses a wish for it, it is given to him; if not, probably the chief's horse would pay the forfeit. These bands are generally thus originated: When a

man has five or six sons and several daughters, taking his family he leaves the large band, forms a new camp or settlement, and acts the patriarch or chief; his sons and daughters marrying, bring their wives and husbands to his band, and frequently a brother-in-law accompanies him and remains. Thus the new band multiplies from natural increase and accessions, until it becomes large and respectable. In case of the death of the father, the eldest son assumes the duties of chief, if old enough; if not, one of the brothers of the deceased assumes the office. The chief uses no authority, but advises, and if popular, his advice is followed; if not, each one judges and acts for himself. The only arbitrary authority exercised among Indians, is by the war chief when on the war path, which, I am told, is then absolute. The warriors, when on duty, never correct their children, except by advice, and if they are obstinate and pugnacious, it is laughed at, and looked upon as a sign of bravery.

There was, when I first visited the country, a band of Indians who had their village on a prairie on the west bank of the Mississippi, where the village of Winona, which means *the eldest daughter*, now stands, about one hundred and twenty miles above Prairie du Chien. The chief was called WA-BA-SHAW; he was a very sensible Indian, and was truly one of nature's noblemen.* Although only chief of his band, he had great

* The name of WA-BA-SHAW, the great Sioux chief, will long live in history. He was induced to join the fortunes of the British in the war of 1812-15, and fought at the siege of Fort Meigs and elsewhere. When peace took place, the Indians were left by their employers in a wretched condition, and, as a consequence, their spirits were broken. Gen. CASS has preserved a speech of WA-BA-SHAW'S, at Drummond's Island, in 1815, when, Col. McDOWELL, the British commandant of that post, laid a few presents before him. It is touchingly pathetic and eloquent:

"My father," said he to Col. McDOWELL, "what is this I see before me? A few knives and blankets. Is this all you promised us at the beginning of the war? Where are those promises you made us at Michilimackinac, and sent to our villages on the Mississippi? You told us you would never let fall the hatchet until the Americans were driven beyond the mountains; that our British father would never make peace without consulting his red children. Has that come to pass? We never knew of this peace. We are now told that it was made by our great father beyond the water, without the knowledge of his war-chiefs; that it is your duty to obey his orders. What is this to us? Will these paltry presents pay for the men we have lost, both in battle and on the road? Will they soothe the feelings of our friends? Will they make good your promises to us? For myself, I am an old man. I have lived long, and always found the means of supporting myself, and I can do so still."

L. C. D.

influence with the other chiefs. Above Winona was another large band of Indians, who had their village on the west bank of the Mississippi, where the Presbyterian mission now is, a few miles below St. Paul, whose chief was called **LITTLE CROW**; a man of good sense, and generally considered a good Indian. There was another small band who had their village at Mendota, which signifies *the meeting of the waters*,* whose chief was called **BLACK DOG**. He was not a man of much consequence. There was also another small band who had their village a short distance above, whose chief was **PO NE-CHON**, a man of little note. Where the village of Shakopee now is, was an Indian village, whose chief bore that name, which simply means *six*; he possessed a good intellect, but was not popular among the traders, as he was considered very dishonest. At the Little Rapids was another village, called by the French *Gens de Feuille*, or Leaf People. The name of their chief I do not recollect. There was a village of the Sissitons at the Rocher Blanc; above which, I remember no others. The Sissiton and Yankton bands seldom made any regular villages, as they roved from place to place, encamping temporarily for the purpose of hunting, and that mostly among the buffaloes.

Under the most unfavorable auspices have I written these reminiscences. With ill health, suffering a great part of the time with rheumatism and bad eyesight, bordering almost on blindness, I have not been able to prepare this narrative to my own satisfaction, and, I fear not, to the satisfaction of the Society. I have no doubt omitted many things that might have been interesting, but never having kept a journal or notes of events, I was obliged to depend upon memory; and frequently when writing, and having, by a train of reflection, recalled past events to mind, either my rheumatism or my eyes would admonish me that it was time to cease from my labors, and before I could re-commence, I would probably forget the thread of my narrative. Nor have I

* Some of the tribes of the North West give to Mendota the signification of *large* or *great*. L. C. D.

been able to review what I have written. Learning that the Rev. ALFRED BRUNSON had been invited to write a history of Crawford county, and that he intends to comply with the request, I have purposely omitted saying any thing of the events of the county since he settled therein, believing that he will be able to do the subject more justice than I could, even were I in better health than I am, and had all my faculties about me.

APPENDIX NO. 7.

PERSONAL NARRATIVE

OF COL. JOHN SHAW, OF MARQUETTE COUNTY, WISCONSIN. *

I was born May 30th, 1783, in Johnstown, Montgomery county, N. Y. My father's name was COMFORT SHAW, and my grandfather's was DANIEL SHAW, who resided in Stonington, Conn., and was of Scotch descent; and at Stonington my father was born. Soon after the commencement of the Revolutionary war, fired by the patriotism of the times, my father, unable to obtain the permission of his parents to join the American army, ran away at the age of sixteen, and effected the object so near his heart. He had from early life excelled in playing the spirit-stirring fife, and soon received the appointment of Fife-Major, and served several years in that capacity in the army. He was present, and participated in the memorable battles at Saratoga, and was among the first that scaled the enemy's breast works on the 7th of October, 1777. My father was a man of unusual personal activity, and rendered his country long and faithful service in the war of Independence.

Towards the close of 1780, he was united in marriage, at Johnstown, N. Y., with Miss MARY HOLLINBECK, whose father was JOHN HOLLINBECK, a native of Amsterdam, Holland, and who, when a young man, came to America, and settled at Claverack, on the Hudson. He married a New England wife and raised a large family, only one of whom was a son, named after his father.

* This was dictated by Col. SHAW, and written down by LYMAN C. DRAPER, in the fore part of September, 1855, and may be relied on substantially correct.

This young JOHN HOLLINBECK early migrated to Johnstown, and settled on a farm about three miles nearly east of the village, and took with him his young sister MARY.

I was the second of eight children, all sons, six of whom grew to years of maturity, and two of my brothers, NATHANIEL, of Calhoun county, and COMFORT, of Pike county, Illinois, both forehanded and respectable farmers, yet survive. When three years of age, I one forenoon accompanied my elder brother DANIEL to the village school in Johnstown. A Mr. THROOP, the adopted father of ENOS T. THROOP, since Governor of New York, was the teacher. I was so terrified with his repulsive appearance, having very long eye-brows and a very unpleasant physiognomy, that I could never after be induced to attend school. What little education, therefore, I became possessed of, was obtained by piecemeal, and in a picked-up way. When I was fourteen years of age, my father died, having been four years incapacitated by consumption for labor; and the two eldest boys, DANIEL and I, had all the work to do in order to support the family.

In the spring of 1808, when twenty-five years of age, I resolved to go to the Western country, as my younger brothers had now grown up, and could more than fill my place in providing the family support. I had thought there was no chance to secure a competency in the old settlements, and I had formed an ardent desire to pass the Rocky Mountains, and bathe on the shores of the Pacific. For a year prior to this period, I had carefully practised the use of the gun, and became very expert with it. I started that spring for Montreal, intending to journey with some party of the North-West Fur Company, and by that means reach the remote West. But concluding this was not very practicable, I went up the St. Lawrence, and along the shore of Lake Ontario to Niagara Falls, which latter I had first visited two years previously. There was only a single log house, nearly a mile from the Falls, on the Canada shore; and at Black Rock I crossed the river, and went to Buffalo, where there were about thirty wooden houses.

From some of the Indians at Buffalo, I purchased a bark canoe and paddles, and made the necessary out fit, and resolved to push on up Lake Erie, and pursue the Lake route to Green Bay, and employed two young men to accompany me. In consequence of a severe storm, and the rock-bound shores of the Lake, I changed my course; I had my canoe transported across the country on a wagon to Chatauque Lake, when again launching my frail bark, I descended the Lake, its out-let into French creek, and finally entered the Alleghany. Continuing down the river, I stopped at Pittsburgh, Wheeling, Marietta, Limestone, now Maysville, Cincinnati and Louisville, only long enough to rest, and procure needful supplies. Thence I kept on down the Ohio, and crossed the Mississippi on the 10th day of August, 1808, when I turned my course up the Mississippi by land to Cape Girardeau and St. Genevieve; at which latter place, I well remember seeing HENRY DODGE, then sheriff of that county, and since so distinguished in the West. Passing up to St. Louis, thence to Florissant, Portage des Sioux, and St. Charles, I then became acquainted with the celebrated DANIEL BOONE and family, together with nearly all the leading French families of these several Missouri settlements.

Spending the ensuing autumn and winter at St. Louis, New Madrid, and the various settlements in then Upper Louisiana, in viewing the country; I early the next spring procured from EDWARD BATES (father of the present HON. EDWARD BATES, of St. Louis,) an accomplished Marylander, then Secretary of Louisiana Territory, and in the absence of Gov. MERRIWETHER LEWIS, acting governor, a license to search for gold and silver anywhere within the limits of that territory, then supposed to extend to the Pacific—still resolving to reach that distant ocean.

I at once fitted myself out for a long journey, and engaged PETER SPEAR and WILLIAM MILLER to accompany me in this adventure. I fully explained to them the dangers to be encountered, and if successful, I agreed that we should equally share the profits of the enterprise. We started from the extreme western settlement of Cape Girardeau county, on the head of St. Francis

River, where a few families then resided, and then pushed into the great western wilderness. Our route was very nearly upon what, I have since learned, was the 37th degree, or perhaps half a degree south of that parallel. We crossed a branch of White River, which I named the Currents, which it has ever since retained, and then Black River, and afterwards Spring River, which we followed to its source, where we found a very large spring, and hence the name of the stream. We next passed the main fork of White River, and then continued on westwardly until we reached the prairie country, and went beyond all the western head waters of the Mississippi, except the Arkansas and Missouri.

We continued our journey, as I should judge, between eight hundred and a thousand miles from the settlements. On our outward journey, we met with a number of friendly Indian parties of the Chickasaws, Choctaws, and Creeks or Muscogeas, engaged in hunting, who did not venture too great a distance beyond the western verge of the white settlements; but we had no difficulty with them. We encountered vast herds of buffaloes, and occasionally large herds of wild horses. We judged from the buffalo trails, that we passed near the Great Salt Rock; and a long distance beyond, we came in view of the spurs of the great Rocky Mountain chain.

In this remote region, we one day, during the summer, met three men, who proved to be the only survivors of a party of some fifteen trappers who had penetrated high up the Missouri, when in two savage attacks by the Indians, all the others were slain; and these survivors were now directing their course to the Arkansas River, and admonished us to desist our further journey westward. Not heeding these earnest admonitions, we kept on, and the next day discovered a party of a dozen or twenty wild Indians, probably Camanches or Pawnees, chasing and catching wild horses with the lasso, which they used with great dexterity and success. We saw them in time to secrete ourselves, unseen by them, and had a full view of them for three or four hours, in an immense prairie; and though generally perhaps not less than

five miles distant from us, they once came within a mile of us in chasing the wild horses. Those engaged in the chase were, of course, mounted on well-trained steeds, while others were in groups on foot, taking care of the restless animals that had been taken.

When these unwelcome Indians disappeared, we took the matter into serious consideration, and as painfully as I regretted to abandon our intended exploration to the Pacific, it seemed madness to attempt any further progress; and so we reluctantly turned our faces to the eastward; and when we got what we deemed pretty safe hunting ground, in what is now eastern Kansas, and western Arkansas, and Missouri, we pitched our camp, and went to hunting, mostly for beaver. We then little dreamed that the white settlements would extend to that region for the next five hundred years. Our main camp was near the head waters of one of the northern tributaries of the Arkansas; and having no traps, we procured the beaver musk, and placed it some distance from the shore, which tempted the animals to go and smell it, when we would secrete ourselves and shoot them.

During the autumn of 1809, all of the year 1810, and the winter of 1810-'11, we steadily pursued our hunting; and, in the spring of 1811, we gathered and packed up all of our beaver, otter and bear skins—about fifty beaver and otter, and about three hundred bear skins, and eight hundred gallons of bear's oil; and making canoes or pirogues on one of the head waters of White River, we conveyed our skins and oil to them by the three horses which we had taken with us in all our journeyings. The oil was carried in sacks made of bear skins, one being swung on either side of a horse.—Lashing our boats together, and trading off our horses to friendly Indians, we descended White River to the Mississippi, and thence, stopping briefly at one Turnbull's, an English planter, upon the high bluff where Vicksburg now stands, and at Natchez, we passed down the river, and arrived at New Orleans about the first of May.

Here another disappointment was in store for us; the Embargo,

then in force, put a total check to all exportation, and our cargo of furs, peltries and oil, which found their market in Europe, were a drug in New Orleans. The large quantity of oil, if not soon shipped, as the hot season had commenced, would become rancid, and almost worthless. The result was, that our large cargo, which at former rates would have brought between two and three thousand dollars, we now sold for the mere pittance of thirty-six dollars. No language can depict my great disappointment, first in failing to reach the Pacific, and then all our hopes being frustrated in regard to the proceeds of our two years' hunt. The sickly season now approaching, I proceeded through the Chocraw nation, accompanied by SPEAR, leaving MILLER in New Orleans, and never seeing him afterwards. We passed through the Choctaw and Chickasaw country to Colbert's Ferry on the Tennessee, and thence to Vincennes, and at length to St. Louis.

While lodging about thirty miles north of New Madrid, on the 14th of December, 1811, about 2 o'clock in the morning, occurred a heavy shock of an earthquake. The house, where I was stopping, was partly of wood and partly of brick structure; the brick portion all fell, but I and the family all fortunately escaped unhurt. At the still greater shock,* about 2 o'clock in the morning of the 7th of February, 1812, I was in New Madrid, when nearly two thousand people of all ages, fled in terror from their falling dwellings, in that place and the surrounding country, and directed their course north about thirty miles to Tywappety Hill, on the western bank of the Mississippi, and about seven miles back from the river. This was the first high ground above New Madrid, and here the fugitives formed an encampment. It was proposed that all should kneel, and engage in supplicating God's mercy,

* Since Col. SHAW dictated this narrative, I have discovered by reference to BRADBURY'S published Journal, kept at the time, and the writer then in the vicinity of New Madrid, that the first shock, and which the writers on that event convey the idea of being the severest, occurred on the morning of the 16th of December; and as Col. SHAW was thirty miles distant from New Madrid, the centre of these convulsions of nature, on this first occurrence, and was there at the February shock, the latter doubtless appeared to him to be the most severe.

and all simultaneously, Catholics and Protestants, knelt and offered solemn prayer to their Creator.

About twelve miles back towards New Madrid, a young woman about seventeen years of age, named BETSEY MASTERS, had been left by her parents and family, her leg having been broken below the knee by the falling of one of the weight-poles of the roof of the cabin; and, though a total stranger, I was the only person who would consent to return and see whether she still survived.—Receiving a description of the locality of the place, I started, and found the poor girl upon a bed, as she had been left, with some water and corn bread within her reach. I cooked up some food for her, and made her condition as comfortable as circumstances would allow, and returned the same day to the grand encampment. Miss MASTERS eventually recovered.

In abandoning their homes, on this emergency, the people only stopped long enough to get their teams, and hurry in their families and some provisions. It was a matter of doubt among them, whether water or fire would be most likely to burst forth, and cover all the country. The timber land around New Madrid sunk five or six feet, so that the lakes and lagoons, which seemed to have their beds pushed up, discharged their waters over the sunken lands. Through the fissures caused by the earthquake, were forced up vast quantities of a hard, jet black substance, which appeared very smooth, as though worn by friction. It seemed a very different substance from either anthracite or bituminous coal.*

This *hegira*, with all its attendant appalling circumstances, was a most heart-rending scene, and had the effect to constrain the most wicked and profane, earnestly to plead to God in prayer for mercy. In less than three months, most of these people returned to their homes, and though the earthquakes continued occasion-

* The late Hon. LEWIS F. LINN, a resident of St. Genevieve, and for many years a member of the United States Senate from Missouri, and a man of science, addressed a letter, in 1838, to the chairman of the committee on commerce, in which he speaks of the New Madrid earthquakes, and distinctly mentions water, sand, and coal issuing from the vast chasms opened by the convulsions. L. C. D.

ally with less destructive effects, they became so accustomed to the recurring vibrations, that they paid little or no regard to them, not even interrupting or checking their dances, frolics, and vices.

The Upper Mississippi Indians, of all tribes, commenced depredations on the frontiers of Missouri and Illinois, in 1811, and early in 1812. Several persons were killed in different quarters. About thirty miles above the mouth of Salt river, and fully a hundred above the mouth of the Missouri, was Gilbert's Lick, on the western bank of the Mississippi, a place of noted resort for animals and cattle to lick the brackish water ; and where a man named SAMUEL GILBERT, from Virginia, had settled two or three years prior to the spring of 1812. In that region, and particularly below him, were a number of other settlers. About the latter part of May, 1812, a party of from twelve to eighteen Upper Mississippi Indians descended the river in canoes, and fell upon the scattered cabins of this upper settlement in the night, and killed a dozen or more people. At the time of this massacre, I was staying at the house of one RIFFLE in that region ; and hearing the alarm, I went in company with others in pursuit of the Indians, and saw them at a distance as they were embarking in their canoes, and soon disappeared to our view.

This massacre in the Gilbert's Lick settlement, caused great consternation along the Missouri frontier, and the people, as a matter of precaution, commenced fortifying. Some seven or eight forts or stockades were erected, to which a portion of the inhabitants resorted, while many others held themselves in readiness to flee there for safety, in case it should be thought necessary. I remember the names of Stout's Fort, Wood's Fort, a small stockade at what is now Clarksville, Fort Howard, and a fort at Howell's Settlement—the latter nearest to Col. DANIEL BOONE ; but the people bordering immediately upon the Missouri river, being less exposed to danger, did not so early resort to the erection of stockades.

About this time, probably a little after, while I was engaged with eighteen or twenty men in building a temporary stockade

where Clarksville now stands, on the western bank of the Mississippi, a party of Indians came and killed the entire family of one O'NEIL, about three miles above Clarksville, while O'NEIL himself was employed with his neighbors in erecting the stockade. In company with O'NEIL and others, I hastened to the scene of murder, and found all killed, scalped, and horribly mangled. One of the children, about a year and a half old, was found literally baked in a large pot metal bake kettle or Dutch oven, with a cover on ; and, as there were no marks of the knife or tomahawk on the body, the child must have been put in alive to suffer this horrible death ; the oil or fat in the bottom of the kettle was nearly two inches deep.

I went to St. Louis in company with IRA COTTLE, to see Gov. CLARK, and ascertain whether war had been actually declared. This must have been sometime in June, but the news of the declaration of war against Great Britain had not yet reached there. On our return, I was strongly urged by the people to act as a spy or scout on the frontier, as I was possessed of great bodily activity, and it was well known that I had seen much woods experience. I consented to act in this capacity on the frontiers of St. Charles county, never thinking or troubling myself about any pecuniary recompense, and was only anxious to render the distressed people a useful service. I immediately entered alone upon this duty, sometimes mounted, and sometimes on foot, and carefully watching the river, above the settlements, to discover whether any Indians had landed, and sometimes to follow their trails, learn their destination, and report to the settlements.

Upon my advice, several of the weaker stockades were abandoned for twenty or thirty miles around, and concentrated at a place near the mouth of Cuivre or Copper River, at or near the present village of Monroe ; and there a large number of us, perhaps some sixty or seventy persons, were some two or three weeks employed in the erection of a fort. We named it in honor of the patriotic governor, BENJAMIN HOWARD, and between twenty and thirty families were soon safely lodged in *Fort Howard*.

As the war had now fairly commenced, an act of Congress authorized the raising of six companies of Rangers; three to be raised on the Missouri side of the Mississippi, and the other three on the Illinois side. The Missouri companies were commanded by DANIEL M. BOONE, NATHAN BOONE, and DAVID MUSICK. The commission of NATHAN BOONE was dated in June, 1812, to serve a year, as were doubtless the others.

The Indians, supplied by their British employers with new rifles, seemed bent on exterminating the Americans—always, however, excepting the French and Spaniards, who, from their Indian intermarriages, were regarded as friends and connections. Their constant attacks and murders, led to offensive measures; but I did not serve on RUSSELL and EDWARD's expedition, in September, 1812, against the Indians in the Peoria region.

During not only the year 1812, but the whole war, I acted as a spy and was in constant service. The Missouri Rangers, by the terms of their enlistment, were to supply themselves with horses, accoutrements, provisions and provender, and they expected to have been mostly stationed, and in service, in the frontier settlements; but finding that they were chiefly required to scour the region beyond the verge of the settlements, they had necessarily to enter into some arrangement to procure their supplies, as they were too far from their homes to provide for their wants from that source. I was solicited by them to furnish these needed supplies, pledging me payment every three months, not doubting that they would promptly receive their own pay from the General Government.

I commenced furnishing these supplies early in the summer of 1812, when the Rangers were ordered to the frontiers; and these three Missouri companies were each to consist of one hundred men, and were nearly full, and all of them I supplied more or less. I furnished, upon an average, more than a hundred and fifty of the Rangers during the whole war. These men could not apply to the Government commissaries, had there been any in the country—and there were none; as from the nature of their

enlistments they were to provide for themselves. They had, in their individual capacity, made repeated efforts to procure supplies upon their own credit, but they met with very indifferent success. The millers and farmers would be running no small risk to dole out their surplus provisions to so many persons, of whose ability and good intentions to remunerate them they could know so little. It seemed necessary that some person should step forward, and act in the capacity of commissary to supply the Rangers, and this I was induced to undertake at their urgent desire. I had become pretty well acquainted throughout the Missouri frontiers, and my anxious solicitude to serve the frontier settlers was also well known, and hence I could command the requisite credit from the millers and stock-raisers of the country.

I employed the necessary number of assistants to purchase and drive forward beef cattle, and hands to boat or wagon flour and other provisions to the frontier stations where wanted. At the same time, I continued to act as a spy, sometimes going in advance of my teams in places of danger. On more than one occasion, have I thus discovered the Indians in time to retreat, and save my men and teams. I remember in the spring of 1813, being at the head of five teams loaded with supplies, when at the fording of a large stream known as Peruque creek, in the northern part of St. Charles county, I discovered a party of thirteen Indians concealed behind blinds, formed of bent bushes, or broken bushes stuck in the ground for a screen, and retreated in time to save both teams and loading. I then procured a large boat, in which to transport the supplies up the river to the nearest point to Fort Howard, in order to avoid the danger to which we were exposed by the land route. Leaving my horse, I went up with the boat, and met with no obstacle.

Upon arriving at Fort Howard, so many reports came to the ears of my boatmen, that they at first declined returning in the boat down Cuiver River a few miles to the Mississippi; when once into the large stream, they would feel perfectly safe, as they could keep out beyond the reach of danger. Cuiver River was

very crooked, and between twenty and thirty rods in width, and its banks generally low, and sometimes overflowed back a considerable distance. At length, however, the boatmen consented to return, I agreeing to go ahead of them in a canoe, to see that no Indians were ready to intercept them. Taking with me in the canoe one JOSEPH CLAREMENT, we proceeded, and the large boat was to follow at a respectful distance, until they should hear the report of one or more guns as a signal to retreat. The distance from the landing spot on Cuiver River to its mouth, by its sinuosities, was some eight or nine miles, though not exceeding three by land.

When we had descended about three miles by the river, I discovered three or four Indian canoes on the northern bank of the stream, when we were abreast of them; and knowing Indians were not far off, concluded to push ahead, and did so, but in less than a minute, we heard a noise, and looking back, we got a glimpse of a dozen to twenty Indians rushing down the bank and jumping into their canoes, seizing their paddles, and pursuing after us. In a very short distance, we fortunately turned a sharp wooded angle in the stream to the right, which screened us from the Indians, and there we ran a few rods up a small bayou, and left the canoe, and ran about a mile and a half up the stream, much of the way fully knee deep in water on the overflowed bottom; and fearing the Indians might be near, we remained from about ten o'clock in the forenoon till dark, some of the time in water up to our necks, when some men came from the fort, only a mile distant, and conveyed us over the river, and thence to the garrison that evening. The larger boat and crew also escaped.

I can add nothing particularly to the statements given in the histories of the times, relative to the occurrences at Forts Madison and Mason, in April, 1813. About the 1st of June following, Gov. HOWARD resigned his governorship, and accepted the appointment of brigadier general in the United States' service, to command the eighth military department, then embracing the territory from the interior of Indiana to the frontier of Mexico.

Gen. HOWARD soon after visited Fort Howard, and upon the urgent solicitation of all the inhabitants that I should be continued in the spy service, as I had repeatedly discovered and given timely notice of the approach of Indian war parties, Gen. HOWARD said, as he had no authority to appoint spies, he would use every exertion in his power to secure ample remuneration for such services as I had rendered, of which he had good evidence from the people and Rangers, and which he desired I might continue; giving me a certificate, pledging himself to use his best exertions to secure for me pay from Congress or the War Department. He also commended my exertions in furnishing supplies for the Rangers.

Shortly after Gen. HOWARD's visit to Fort Howard, a strong apprehension was entertained by the people, that the Upper Mississippi Indians would descend the Mississippi in a body, and it was concluded that it was advisable to erect a fort directly on the bank of the river, to watch and check any such movement of the enemy. About eight or ten miles above the mouth of Cuiver River on the eastern bank of the Mississippi, is a large well-known promontory of *grit* or sandstone, hence called Cape au Gris; directly opposite to which, on the western shore, was the place selected for the new fort, which was soon erected, and named Cape au Gris Fort. Capt. DAVID MUSICK was placed in command there; it was less in size than Fort Howard, and some of the neighboring people took shelter there with their families.

Some time during the summer of 1813, I crossed the Mississippi to its eastern shore, two or three miles above Cape au Gris, to see if there were any signs of Indians in that quarter. When about three miles east of the river, I discovered quite a large camp of Indians, somewhere, I thought, from sixty to eighty in number. I immediately retreated without being observed, and hastened to Cape au Gris with the intelligence. It was at once resolved to pursue, and it was only a question of numbers, and a strife for the command. Lieut. JOHN MCNAIR, of the Rangers, a resident of St. Charles county, a nephew of Col. ALEXANDER

McNAIR, afterwards Governor of Missouri, was permitted to take the command at his own urgent request, and selected twelve men for the service, together with myself for pilot. I strongly urged a larger number, but the Lieutenant was head-strong, and utterly rejected my advice.

There were but a couple of small log canoes or dug outs in which to cross, and it required three trips to convey our small party of fourteen over the river. We immediately pushed forward, I taking the lead as pilot, and soon came in sight of the encampment, in which the Indians still remained. Each party discovered the other about the same moment, we having crossed a rise of ground, which brought us within about forty rods of the Indians; who, when they espied us, seized their arms and rushed towards us. Seeing that they out-numbered us four or five to one, we instantly retraced our steps towards Cape au Gris rock, a distance of some four or five miles. It was a hot chase, the Indians rather gaining upon us, and when we arrived at the water's edge of the river, about mid-day, we turned and fired upon the Indians, who were now within a few rods of us. They were momentarily checked, and, in turn, fired upon us, killing McNAIR and eleven of the men instantly, while the twelfth Ranger, one WEBBER, dressed in a yellow hunting shirt, jumped into the river, evidently intending to swim over to the fort, but was soon arrested by a ball, and his lifeless body dragged ashore.

Providentially I was untouched, and quickly turned down the river bank, leaped a small stream at a single bound, and then running along the side of the dripping rock, closely pursued by three Indians, who kept up the exciting race for about a mile and a half—all this in full view of two hundred persons at the fort on the opposite shore, who, from their distance and want of boats, were unable to render the least assistance. I gained so much on the Indians during that mile and a half race, that they abandoned the pursuit—the guns of the Indians and myself being alike empty. Not aware that my pursuers had given over the chase, I kept on as rapidly as I could for two or three miles, when, turning a point on

the river, and seeing nothing of the Indians, I re loaded my gun, and kept on at a slackened pace. In the night, when some twenty miles below Cape au Gris, I made a raft of dry sticks fastened together with grape vines, and crossed to the western bank of the river; and, on the morning of the third day, reached Fort Howard, and the same day was escorted to Cape au Gris Fort, where I was received with unaffected joy.

I now learned that the Indians had horribly mangled the bodies of my unfortunate companions, and left them with every mark of indecency and indignity their inventions could suggest; and they shook the reeking scalps in bravado in sight of the whites on the distant opposite shore. Having secured the guns, clothing and scalps of their victims, and fully indulged themselves in yelling and screaming awhile, like so many demons, seeming conscious of their own safety, as the whites could not at once cross, they at length departed. Fearing to pass the river with only the two small dug-outs, lest they should be ambuscaded, the Rangers did not venture over till the next day; and not then, until they had brought the cannon in the fort to bear on the spot where their slain companions were. The fragments of their mangled bodies were gathered up, conveyed over the river, and buried near the fort.

On the 16th of July, 1813, the Indians attacked Fort Madison; I do not remember the number of troops stationed there, or their commander. The block-house, built especially to command the ravine, was doubtless located west or north-west of the fort, as the ravine circled around the west side and north end of the fort, into the Mississippi. The Indians having carried the block-house, now availed themselves of the shelter of the deep ravine, and attempted to dig a passage into the fort, and continued at it for some time, but finally gave it up. This was the second attack on Fort Madison, in which two whites were killed and one wounded.

On the 15th of August, 1813, Capt. NATHAN BOONE and a party of spies under his command, while on a scout between the Mississippi and Illinois rivers, were attacked in the night by three

times their number, but no lives were lost. About September following, I accompanied General HOWARD's expedition to Peoria, where a fort was erected; Maj. NATHAN BOONE, and Maj. WM. CHRISTY of St. Louis, were along. I made but a short stay, when I returned; after I left, there were some Indian disturbances, and Maj. N. BOONE and Capt. SAMUEL WHITESIDES scoured the country. ROBERT WASH, a lawyer, afterwards a Judge, of St. Louis, was an Aid to Gen. HOWARD. The latter part of October, on the return of the troops, there was some snow, and the men suffered considerably; some having worn out their shoes, killed their horses, and wound strips of the hide around their feet, or made hide shoes.

Early in November, 1813, Fort Madison was evacuated, and the buildings burned, in consequence of the contractor failing to furnish that garrison with provisions, which caused much alarm and apprehension at the forts and settlements below. In consequence of the abandonment of this important position, Fort Johnston was built, opposite the mouth of the middle fork of the Des Moines River, on a high promontory on the eastern bank of the Mississippi; it was erected by the Rangers and regulars, and among the officers were Lieut. BENNET RILEY, and W. S. HARNEY, and Dr. MUIR, afterwards of Galena. I was there during its erection. The next spring, for the same reason that Fort Madison had been abandoned, Fort Johnston was also evacuated and destroyed. It was, however, subsequently rebuilt, and called Fort Edwards. Fort Mason, which was probably erected at the out-break early in 1812, was located fifteen or twenty miles above the mouth of Salt River, on the west bank of the Mississippi. This too, was abandoned not far from the 1st of May, 1814, about the same time as Fort Johnston.

The famous battle of the Sink-Hole, near Fort Howard, occurred on the 24th of May, 1814. Some two or three nights previously, I made a narrow escape in riding in the night from Cape au Gris to Fort Howard. When about half a mile from the latter, I heard a whistle on the charger of powder horn, and soon

heard a party of Indians endeavoring to cut me off from the fort, when I took a circuit and evaded them, by taking a by-path, when they had way-laid the main trail, and thus I reached the fort in safety.

Not long before the Sink-Hole affair, one BERNARD was killed on Dardenne River, the next stream below Peruque creek; and about the same time one WETLY was killed near the crossing of Peruque, and WM. LINN, a Ranger, within thirty rods of Cape au Gris Fort. LINN had gone into the edge of the woods to visit a whiskey jug he had secreted there, when the report of several guns was heard. Lieut. MASSEY went out in pursuit, but the Indians had crossed the river below, where their canoes were, and decamped. On the Cape au Gris rock, opposite the fort, the Indians deliberately showed themselves, when a young warrior about a dozen years of age advanced, exhibiting LINN's scalp, and exclaiming in the Sauk language, "Come here, you Americans, and we will serve you the same way." LINN's family, at the time of his death, were living in Wood's Fort. Within a few days of this affair, a young man named BOLLES went to a deer-lick at the foot of the bluff, about two and a half miles from Cape au Gris, and was there shot and scalped.

Of the Sink-Hole battle, fought on the 24th of May, 1814, near Fort Howard, I shall be able to give a full account, as I was present and participated in it. Capt. PETER CRAIG commanded at Fort Howard; he resided with his father-in-law ANDREW RAMSEY, at Cape Girardeau, and did not exceed thirty years of age. DRAKEFORD GRAY was first lieutenant, WILSON ABLE, the second, and EDWARD SPEARS, third lieutenant.

About noon, five of the men went out of the fort to BYRNE's deserted house on the bluff, about a quarter of a mile below the fort, to bring in a grind-stone. In consequence of back water from the Mississippi, they went in a canoe; and on their return, were fired on by a party supposed to be fifty Indians, who were under shelter of some brush that grew along at the foot of the bluff, near BYRNE's house, and about fifteen rods distant from the canoe

at that time. Three of the whites were killed, and one mortally wounded; and as the back water, where the canoe was, was only about knee-deep, the Indians ran out and tomahawked their victims.

The people in the fort ran out as quick as possible, and fired across the back water at the Indians, but as they were nearly a quarter of a mile off, it was of course without effect. Capt. CRAIG with a party of some twenty-five men hastened in pursuit of the Indians, and ran across a point of the back water, a few inches deep; while another party, of whom I was one, of about twenty-five, ran to the right of the water, with a view of intercepting the Indians, who seemed to be making towards the bluff or high plain west and north-west of the fort. The party with which I had started, and Capt. CRAIG's, soon united.

Immediately on the bluff was the cultivated field and deserted residence of BENJAMIN ALLEN, the field about forty rods across, beyond which was pretty thick timber. Here the Indians made a stand, and here the fight commenced. Both parties treed, and as the firing waxed warm, the Indians slowly retired as the whites advanced. After this fighting had been going on perhaps some ten minutes, the whites were re-inforced by Capt. DAVID MUSICK, of Cape au Gris, with about twenty men. Capt. MUSICK had been on a scout towards the head of Cuiver River, and had returned, though unknown at Fort Howard, to the crossing of Cuiver River, about a mile from the fort, and about a mile and a half from the scene of conflict; and had stopped with his men to graze their horses, when hearing the firing, they instantly re-mounted, and dashed towards the place of battle, and dismounting in the edge of the timber on the bluff, and hitching their horses, they rushed through a part of the Indian line, and shortly after the enemy fled, a part bearing to the right of the Sink-Hole towards Bob's Creek, but the most of them taking refuge in the Sink-Hole, which was close by where the main fighting had taken place. About the time the Indians were retreating, Capt. CRAIG exposed himself about four feet beyond his tree, and was shot through the

body, and fell dead; JAMES PUTNEY was killed before Capt. CRAIG, and perhaps one or two others. Before the Indians retired to the Sink-Hole, the fighting had become animated, the loading was done quick, and shots rapidly exchanged, and when one of our party was killed or wounded, it was announced aloud.

This Sink-Hole was about sixty feet in length, and about twelve to fifteen feet wide, and ten or twelve feet deep. Near the bottom on the south-east side, was a shelving rock, under which perhaps some fifty or sixty persons might have sheltered themselves. At the north-east end of the Sink-Hole, the descent was quite gradual, the other end much more abrupt, and the south-east side was nearly perpendicular, and the other side about like the steep roof of a house. On the south-east side, the Indians, as a further protection in case the whites should rush up, dug under the shelving rock with their knives. On the sides and in the bottom of the Sink-Hole were some bushes, which also served as something of a screen for the Indians.

Capt. MUSICK and his men took post on the north-east side of the Sink-Hole, and the others occupied other positions surrounding the enemy. As the trees approached close to the Sink-Hole, these served in part to protect our party. Finding we could not get a good opportunity to dislodge the enemy, as they were best protected, those of our men who had families at the fort, gradually went there, not knowing but a large body of Indians might seize the favorable occasion to attack the fort, while the men were mostly away, engaged in the exciting contest.

The Indians in the Sink Hole had a drum, made of a skin stretched over a section of hollow tree, on which they beat quite constantly; and some Indian would shake a rattle, called *she-shu-gui*, probably a dried bladder with pebbles within; and even, for a moment, would venture to thrust his head in view, with his hand elevated shaking his rattle, and calling out *peash! peash!* which was understood to be a sort of defiance, or as BLACK HAWK, who was one of the party, says in his account of that affair, a kind of bravado to come and fight them in the Sink-Hole. When

the Indians would creep up and shoot over the rim of the Sink-Hole, they would instantly disappear, and while they sometimes fired effectual shots, they in turn became occasionally the victims of our rifles. From about one to four o'clock in the afternoon, the firing was inconstant, our men generally reserving their fire till an Indian should show his head, and all of us were studying how he could more effectually attack and dislodge the enemy.

At length Lieut. SPEARS suggested, that a pair of cart wheels, axle and tongue, which were seen at ALLEN's place, near at hand, be obtained, and a moving battery constructed. This idea was entertained favorably, and an hour or more consumed in its construction. Some oak floor puncheons, from seven to eight feet in length, were made fast to the axle in an upright position, and port-holes made through them. Finally, the battery was ready for trial, and was sufficiently large to protect some half a dozen or more men. It was moved forward slowly, and seemed to attract the particular attention of the Indians, who had evidently heard the knocking and pounding connected with its manufacture, and who now frequently popped up their heads to make momentary discoveries; and it was at length moved up to within less than ten paces of the brink of the Sink-Hole, on the south-east side. The upright plank did not reach the ground within some eighteen inches, our men calculating to shoot beneath the lower end of the plank at the Indians; but the latter, from their position, had the decided advantage of this neglected aperture, for the Indians shooting beneath the battery at an upward angle, would get shots at the whites before the latter could see them. The Indians also watched the port-holes, and directed some of their shots to them. Lieut. SPEARS was shot dead, through the forehead, and his death was much lamented, as he had proved himself the most active and intrepid officer engaged. JOHN PATTERSON was wounded in the thigh, and some others were also wounded behind the battery. Having failed in the object for which it was designed, the battery was abandoned after sun-down.

Our hope all along had been, that the Indians would emerge

from their covert, and attempt to retreat to where we supposed their canoes were left, some three or four miles distant, in which case we were firmly determined to rush upon them, and endeavor to cut them totally off. The men generally evinced the greatest bravery during the whole engagement. Night now coming on, and having heard the reports of half a dozen or so of guns in the direction of the fort, by a few Indians who rushed out from the woods skirting Bob's Creek, not more than forty rods from the north end of the fort. This movement on the part of the few Indians who had escaped when the others took refuge in the Sink Hole, was evidently designed to divert the attention of the whites, and alarm them for the safety of the fort, and thus effectually relieve the Indians in the Sink-Hole. This was the result, for Capt. MUSICK and men retired to the fort, carrying the dead and wounded, and made every preparation to repel a night attack. As the Mississippi was quite high, with much back water over the low grounds, the approach of the enemy was thus facilitated, and, it was feared, a large Indian force was at hand. The people were always more apprehensive of danger at a time when the river was swollen, than when at its ordinary stage.

The men in the fort were mostly up all night, ready for resistance, if necessary. There was no physician at the fort, and much effort was made to set some broken bones. There was a well in the fort, and provisions and ammunition sufficient to sustain a pretty formidable attack. The women were greatly alarmed, pressing their infants to their bosoms, fearing they might not be permitted to behold another morning's light; but the night passed away without seeing or hearing an Indian. The next morning a party went to the Sink Hole, and found the Indians gone, who had carried off all their dead and wounded, except five dead bodies left on the north west bank of the Sink Hole; and by the signs of blood within the Sink Hole, it was judged that well nigh thirty of the enemy must have been killed and wounded. Lieut. DRAKEFORD GRAY's report of the affair, made eight of our party killed, one missing, and five wounded—making a total of fourteen;

I had thought the number was nearer twenty. Our dead were buried near the fort, when Capt. MUSICK and his men went over to Cape au Gris, where they belonged, and of which garrison Capt. MUSICK had the command. We that day sent out scouts, while I proceeded to St. Charles to procure medical and surgical assistance, and sent forward Drs. HUBBARD and WILSON.

It may be proper to remark, that from the crossing of Cuiver River to Fort Howard was a mile; from the fort to the Sink Hole half a mile, and nearly a quarter of a mile from the fort to Bob's Creek. The fort was an oblong square, north and south, and embraced about half an acre, with block-houses at all the corners, except the south-east one. Lieut. DRAKEFORD GRAY was left in command there; he belonged in the New Madrid region, and did not long survive the war. Capt. MUSICK resided near Florissant, and lived, I think, to a good old age.

BLACK HAWK's published narrative of this affair, and particularly of all the preliminary incidents prior to taking refuge in the Sink-Hole, is quite strange and confused; and I can only account for it, by supposing that he has related as occurring here, what really transpired at a different time and occasion. He represents, that there were only eighteen Indians with him in the Sink-Hole, while there must have been more than twice as many; he speaks of only one Indian and two whites being killed, and that when they emerged from the Sink-Hole in the evening, they placed their dead Indian on top of a dead white man—of this latter circumstance, I have no recollection.

In July, 1814, two families had been killed by the Indians, in the Wood river settlement, east of Alton; their names were MOORE and REAGAN. Capt. SAMUEL WHITESIDES, who shortly after served on Maj. TAYLOR's expedition, immediately pursued the Indians with some thirty to fifty Illinois Rangers. Being then in that region seeking supplies as commissary, I went along as a spy and volunteer. We trailed the Indians towards the junction of the Sangamon with the Illinois; we got distant glimpses of them several times in the hot pursuit; and just at the dusk of the eve-

ning, we last saw them enter a thicket in the bottom of the Illinois, just below the mouth of the Sangamon, where the Indians had probably left their canoes. We had chased them that day what we judged to be sixty miles; and one old Indian, wearied out, gave out and stopped on the prairie just before the other Indians entered the thicket. As several of our party approached him, the old fellow raised his gun, and pointed it rapidly from one to another, as if to deter them from firing; but about a dozen fired and killed him. We camped near there that night, and then returned home.

In the spring of 1814, Gov. CLARK headed an expedition to Prairie du Chien, and there met the Indians of that immediate region in council, and established a fort, when he returned to St. Louis. But in July, 1814, the British under Col. McKAY or McCoy retook the place. Col. McKAY's force must have been less than two hundred whites, and perhaps two or three thousand Indians,* of all the nations of the North-West, except the Menomonees. They descended the Wisconsin† to the point where the high bluff on the eastern bank of the Mississippi terminates near the Wisconsin; there, on the northern bank of the Wisconsin, they landed, and marched over land about seven miles to Prairie du Chien. Col. McKAY immediately sent a flag demanding the surrender of the fort, to which Lieut. PERKINS declined a compliance, as he said he would defend it to the last. An attack was at once commenced, and an assault upon the fort made by the large body of Indians there assembled. Upon this rush and attack upon the fort, Lieut. PERKINS concluded it would be folly to resist, and surrendered; and the greatest exertions were required on the part

* This number is probably much too high; the newspaper accounts of that period speak of the Indian force being at least a thousand. It was the 17th of July, 1814, that Col. McKAY appeared before, and captured Prairie du Chien.

L. C. D.

† Mr. STEPHEN TAYLOR, who resided in Wisconsin from 1835 to 1843, and now Controller of the city of Philadelphia, states in conversation, that he learned from different sources, that Col. McKAY's forces encamped on what has ever since been known as *English Prairie*, on which is located the present village of Muscoda; and from this circumstance the Prairie derived its name. This Prairie is some fifteen miles in length, and perhaps, upon an average, two in width, and is something like forty miles above the mouth of the Wisconsin.

L. C. D.

of Col. McKAY to preserve Lieut. PERKINS and his men from the fury of the Indians, and his almost superhuman efforts to this end were at length successful. Lieut. PERKINS probably surrendered at discretion, as there could have been no time for securing any specific terms. Col. McKAY parolled all the Americans, and sent them down the river in the gun-boat *Governor Clark*, and sent a force with them for safety until beyond Rock Island; but they were dogged all the way by a large number of canoes of Indians. After passing below the mouth of Rock River, the British escort withdrew, and in due time the gun-boat arrived safely at St. Louis.

Of Lieut. CAMPBELL's expedition, destined for the relief of Prairie du Chien, in July, 1814, I need say but little. The attack on CAMPBELL was made about three miles above Rock Island, at a small island near the Illinois shore, ever since known as Campbell's Island. Lieut. CAMPBELL disobeyed orders, was heedless, and kept out no spies; and, in the attack, he was badly shot through the left wrist. He was known after the war as Major CAMPBELL, and settled at Louisiana, about a mile and a half below the mouth of Salt River, Missouri, and there lived many years. He was a great spend-thrift, and fond of drinking. He left two sons, sort of traders at Louisiana, who sometimes traded among the Indians.

Maj. ZACHARY TAYLOR's expedition up the Mississippi, to punish the Indians on Rock River for their hostile attacks, took place in the latter part of August and early in September, 1814. Having furnished a narrative of this affair for Gen. SMITH's History of Wisconsin, I shall only speak in a brief manner of some of the events connected with it. Since learning the particulars of Maj. TAYLOR's official report, I feel constrained to modify some of my former impressions. I must have been mistaken as to the extent of TAYLOR's force, as it was clearly less than I had supposed. I know there were twenty-two boats at the rendezvous, but most likely Gen. DODGE's expedition up the Missouri at this time, caused the diminution of the boats and force designed for Maj. TAYLOR.

I accompanied Maj. TAYLOR. Near Rock Island, it was dis-

covered that a large body of Indians had collected ; it seemed to me, that there were from two to four thousand of them. The British had erected a battery on the left or eastern bank of the Mississippi ; in a row with two real twelve-pounders, they had six painted wooden guns, all on a knoll or elevation on the river bank, and there were apparently some fifty men dressed in British uniform—some of them may have been Indians so dressed.

From Maj. TAYLOR's report, it is uncertain whether it was RECTOR's boat which got aground, and Capt. WHITESIDE relieved ; but I would not now say, as I did in my narrative to Gen. SMITH, that Capt. WHITESIDE disobeyed orders in doing it. The attack occurred on a very bright morning ; the preceding night was cloudy, very windy, with some rain. I still insist, that the first cannon ball from the British battery passed through TAYLOR's boat, called *the Commodore*, yet TAYLOR, in his report says, it was HEMPSTEAD's boat—it may be, that HEMPSTEAD was the captain of *the Commodore*, while TAYLOR was commander of the expedition.

It became necessary for some one to expose himself in order to cast a cable from a disabled boat which was drifting fast towards the shore where the Indians were, to Capt. WHITESIDE's boat ; and one PAUL HARPOLE greatly exposed himself in accomplishing the object. But having done this, he lingered, and one after another he shot at the enemy fourteen guns handed to him, when he himself was shot in the forehead, and tumbled forward into the river, when his body was obtained by the Indians, and cut up into a hundred pieces. The crippled boat was saved, but poor HARPOLE's exploit, in which he lost his life, was the wonder and admiration of all. He was a young man of some twenty-three years of age, and resided near Wood's Fort, in Missouri, where he had always been celebrated for his strength and activity, and was possessed of much backwood's wit and humor.

The prairie where Maj. TAYLOR halted to repair his boats, and attend to the wounded, was about three miles below the mouth of Rock river, on the Illinois shore. There were, as Maj. TAYLOR states, a great number of Indian horses opposite the mouth of

Rock river, and were doubtless placed there to decoy the whites on shore into an ambuscade. Though Maj. TAYLOR dated his report at Fort Madison, that fort had not been re-occupied; he must have stopped there, and there dated his dispatch. I may add, that my object in accompanying the expedition was twofold; to furnish supplies, which I took along, to such of the Rangers as I had contracted to supply, and also to act, if needed, in the capacity of a spy or scout.

The death of Gen. HOWARD, after a two days illness, at St. Louis, in September, 1814, was a serious loss to me. The certificate which he had given me in 1813, I had carried with me in my pocket during my spying service, in rains and storms, until it got frequently wet, and finally worn out; and I had relied on Gen. HOWARD to make the proper application for me to obtain adequate compensation from Government; but amid his multiplied public duties, he had neglected to make the necessary representation, so far as I know, to the War Department. Thus was I left at the close of the war without my certificate, and Gen. HOWARD in his grave.

Early in the spring of 1815, while the Indians were still hostile, the young men of Cape Girardeau, St. Genevieve, and parts of St. Charles and St. Louis counties, to the number of 750, formed themselves into a regiment, with a view of offering their services to the Government for the protection of Upper Louisiana. Meeting at Cape Girardeau, I was chosen Colonel, and LEVI ROBERTS Major of the new regiment. The Rangers had been disbanded, perhaps the preceding fall. Two hundred and fifty of the regiment embodied at Portage des Sioux, about April, 1815, and taking the command, I marched them up the Mississippi to Rock Island; and finding no enemy there, we went across towards the Illinois River, crossing Spoon River; and on the Illinois we met an express from Gov. CLARK, from St. Louis, with the news of peace, stating that all hostilities would cease, and a treaty be held at Portage des Sioux in June, to which the Indians were invited. Returning home, and the war now ended, no report was made of

the organization of the regiment or of our scout, and now we disbanded. I was present at the treaty of Portage des Sioux, which was concluded on the 18th of July; Gov. CLARK, Gov. EDWARDS of Illinois, and Col. AUG. CHOUTEAU of St. Louis, were the commissioners, and Col. RENE PAUL, CHOUTEAU's son-in-law, was appointed French and English interpreter.

My pecuniary condition was, at this time, exceedingly unpleasant. I was now about thirty thousand dollars in debt for supplies furnished the Rangers, and not a cent had they received for their services during the war, owing, I believe, to the culpable withholding of the pay on the part of the paymasters, who probably used it for purposes of speculation, rather than the inability or inattention of Government to pay it. The Rangers getting no pay, of course I got none. In some instances, the paymasters bought up the Rangers' claims at a reduced price, and paid for them in goods. The balance due the Rangers, was finally paid towards the close of 1815; but as they lived in various parts of the country, and many of them were irresponsible, I eventually lost \$13,684 93, all in consequence of the Rangers not getting their pay while in service, for had they been paid then, I should have promptly received mine. After collecting all I could from every quarter, I was still over eight thousand dollars in debt, which I ultimately paid to the last farthing, by boating and other operations during the ensuing four years. My creditors, knowing the object for which I purchased supplies of them, and knowing also, how I had suffered heavy pecuniary loss by the Rangers failing to get their pay promptly, never charged me any interest. I mention this to their credit.

Though the Indians, at the treaty of Portage des Sioux, had promised to be peaceful, there were individual exceptions. Relying upon the treaty, and the good faith of the Indians, the enterprising whites pushed out up the river, while, as the sequel proved, not a few of the Indians were yet hostile in their feelings. Several whites were attacked by these malcontents during 1815. Among them was JOHN YORK SAWYER, a Vermonter, afterwards a

Circuit Judge of Illinois, who was one of a party in a boat ascending the Mississippi, and had landed on the west bank of the river, about twelve miles below the present city of Dubuque, at a place known as *Buttes des Morts*, where they were attacked and several killed. SAWYER, a very corpulent man, succeeded in secreting himself in a sink-hole back of the river hill, where he remained three days without food, and then escaped. JOHN S. MILLER, another of the party, who was a blacksmith, managed, together with his wife, in some way to reach an island, yet known as Miller's island, where they remained nearly a month before they were taken off. MILLER afterwards settled at Galena, where he died about 1843.

About this period, Dr. MUIR, of the United States Army, whom I had seen at Fort Johnston in 1814, was at Prairie du Chien, when his life was threatened, and he was saved by a young Sauk squaw, whom he married, and by whom he raised a family. Dr. MUIR often related to me the incidents of his wife's heroism in saving him, but the particulars I have forgotten. Like most of persons connected with the army, he was too fond of liquor, otherwise he might have risen to distinction and usefulness.*

In the fall of 1815, I went up the Mississippi with a boat properly manned, on a trading voyage. The Indian traders on the Upper Mississippi, purchasing goods at St. Louis, were desirous of making payment by remitting lead from the mines on Fevre River, which they had received in trade from the Indians, and which was of their own smelting and manufacture from the mineral. This promised to open up a new field of trade and commerce; but the process of boating up the Mississippi at this period, was at times quite tedious. The boats were propelled up stream

* In conversation with Mr. HORACE SMEAD, of Grant county, who resided in the neighborhood of Galena from 1827 to 1833, we learn further of Dr. MUIR, that he was a Scotchman, a good physician, educated at Edinburgh; that trading with the Winnebagoes, a plan was concocted in the winter to kill him, when a young squaw apprised him of it, and secreted him in a cave, and supplied him with food, till the alarm passed away. In gratitude to his deliverer, he took her with him as his wife, and settled at Galena, and raised several children. Dr. MUIR was afterwards among the very first settlers at Keokuk, where he carried on the Indian trade, and where he died, after which his family joined the Indians.

by means of poles and sails, and with favorable wind, a hundred and ten miles have been accomplished in a single day. From twelve days to a month were requisite for the voyage from St. Louis to Prairie du Chien, while the descending trip was made in from six to ten days.

I had conversed with Indians at the treaty at Portage des Sioux, and at St. Louis, about trading with them, and asking their permission to build a saw-mill in their country, if I could find a suitable locality, as it was a pine region, and pine lumber was then worth seventy dollars a thousand in St. Louis. I now started to carry out these views. At the place now called Bellevue, in Iowa, about fifteen miles below Galena, and about six below the mouth of Fevre river, I stopped, and found a water power, which I judged would fully answer my purpose. Here a small stream flowed into the Mississippi, and some thirty or forty rods above its mouth was a fine locality for a mill; and logs could be rafted down the Wisconsin, and other streams upon which the pine grew abundantly, as I had learned from traders and Indians in that quarter. The Indians had previously informed me, that if I should go up for such a purpose, I must obtain written permission of the Government. I now had a regular license from Gov. CLARK, the Superintendent of Indian Affairs, to trade with the Indians.

There were a few Indians then encamped at this Bellevue locality, and others collected while I remained, so that in all, there were three or four hundred warriors, and many more squaws and children, assembled there. I soon discovered but little feeling of friendship on the part of the Indians towards the Americans. I had a talk with them, reminding them of their promises to me, and my wish to trade at that point, and erect a mill there. After I had distributed presents during several days to the amount of three hundred dollars in value, and concluding that they had obtained all they could, they said they had been consulting about the matter, and declined to grant my request; that doubtless many whites would be soliciting similar favors and privileges,

and one grant of this kind would pave the way for another, and they must firmly deny all; that they must check the advance of the whites, for if one should go into their country, others, like swarms of bees, would follow. They constantly begged for whiskey, of which I had none.

I now proceeded on to Prairie du Chien, and there engaged in some little traffic. The place was much scattered, and sparsely settled; there were some fifty or sixty dwelling houses, and all the people could speak the English, French and Indian languages, and all imperfectly. There were perhaps three or four permanent traders located there, and, during the warm season of the year, some fifty or more would resort there, and late in the fall scatter abroad to their several trading stations on the Upper Mississippi and its numerous tributaries. This had been the custom for many years. I do not think there was an American resident at Prairie du Chien. The traders were polite and kind, and their hospitality was both general and generous; and while they drank freely, it was regarded as disgraceful to get drunk.

Mr. JAMES AIRD, a Scotch trader, had been thirty-seven years in the Upper Mississippi country, making Prairie du Chien generally his place of summer resort. JOSEPH ROLETTE, ANTOINE and MICHAEL BRISBOIS, FRANCIS BOUTIELLE, JEAN BAPTISTE ST. JEAN, MONS. TIERCOURT, MONS. BENNETTE, MONS. PALEN, and many others, were among the traders. All these traders had families, and mostly by Indian wives; but MICHAEL BRISBOIS had a fine French wife. In BRISBOIS' family was a beautiful girl named FISHER, whose parents,* early settlers there, were dead; and JOSEPH ROLETTE was said to have married this young girl when she was only ten years of age. ROLETTE was regarded as the largest trader there, and reputed wealthy. The marriages of the traders with squaws was without ceremony, and to last only for a single trading season. The trader would make the engagement with the parents

* When Capt. PREE visited Prairie du Chien in 1805, he speaks of FISHER as an American, and a prominent man of the place. He then had the title of captain and judge, and probably then filled those positions.

of the young squaw, to whom he would make liberal compensation; and by making a permanent marriage, the trader's business would be increased. When the trader renewed his engagement for his squaw wife for two or three years in succession, he generally then kept her for life.

I remained a few weeks at Prairie du Chien, and then returned without molestation to St. Louis, taking down a few skins and hides, but the trip was unprofitable. I learned, while at Prairie du Chien, that the people there had chiefly depended upon the traders bringing flour and other supplies from Mackinaw, but their remoteness from the older settlements, would now render it necessary to engage in farming, and raise large crops of wheat, and that arrangements were then making for that purpose. I thought it would be a good locality for a grist mill, and promised the people that I would erect one, for which there was sufficient water-power at Fisher's Coulee, four miles above Prairie du Chien. This promise was gratifying to them, as they had no mode of grinding except sometimes to hitch a horse to a sweep, and grind on a small scale with a band and small stone—hence called a band-mill.

About June, 1816, I returned to Prairie du Chien with a large boat, and full load of merchandize and provisions, I then being but a common carrier for others. The post at Rock Island was then occupied, and commanded by Maj. WILLOUGHBY MORGAN; this post was commenced the previous year. On this visit, I believe, I found a detachment of U. S. troops arrived at Prairie du Chien shortly before me; perhaps from fifty to one hundred and fifty in number, but I have forgotten the name of the commanding officer. Their arrival was very unwelcome to the settlement generally. They were occupying and repairing the old fort, on the bank of the river, at the upper part of the town.

Having discharged my load, I descended to Fevre river, as I had orders from St. Louis merchants to bring down lead from the traders in payment for goods they had purchased there. Reach-

ing a point then known as Kettle Chief's Prairie*, some little distance below where Cassville now is, perhaps fifteen or eighteen miles, I there met the traders upon whom I had the orders, and some two or three thousand Indians congregated, holding a sort of jubilee just after their corn-planting, swigging whiskey, and invoking the blessing of the Great Spirit upon their crop. The traders requested me to go down to the mouth of Fevre river, and there await their sending the lead down; they were very anxious that I should take it down to St. Louis for them, and they had it piled up at the very spot where Galena now is. This I refused, as I could not consent to wait so long, and asked to go up with my boat. This request the Indians refused, saying that "the Americans must not see their lead mines," as they were particularly suspicious of Americans, but did not cherish the same feelings towards Frenchmen, with whom they had been so long connected and associated. Speaking, as I did, the French as fluently as I did the English, the traders declared to the Indians that I was a Frenchman, and all my boatmen, which was true, were French *voyageurs*; the Indians, with very little persuasion, consented that I might go to their smelting establishments.

About two hundred Indians jumped upon my boat, while others followed in canoes, and we pushed on to the spot. There was no Indian town there, but several encampments, and no trading establishment. There were at least twenty furnaces in the immediate neighborhood; and the lead was run into *plaques* or *plats*, or *flats*, of about seventy pounds each. These *flats* were formed by smelting the mineral in a small walled hole, in which the fuel and mineral were mingled, and the liquid lead run out, in front, into a hole scooped in the earth, so that a bowl-shaped mass of lead was formed therein. The squaws dug the mineral, and carried it in sacks on their heads to the smelting places. I loaded seventy tons of lead in my boat, and still left much at the fur-

* Probably named after the Fox chief KETTLE, who was killed, in 1830, by a war party of Sioux and Menomonees, as related by Judge Lockwood—Vide p. 170-'71, of this volume.

naces. This was the first boat-load of lead from Galena. The Indians had often previously taken lead in small quantities in their canoes to Portage des Sioux and St. Louis, for purposes of barter.

In the course of that year, I made two other trips in the trade to Prairie du Chien, and also trips in 1817, '18,* '19 and '20, making altogether nine trips. I am not certain that I took more than one other trip up Fevre river for a load of lead, for the traders, now making all their purchases at St. Louis, would carry down their own lead, and take back a new supply of goods suitable for the Indian trade. After the peace of 1815, and all was settled down again in quiet in the North-West, the channel of the Indian trade was completely changed, from Mackinaw, where it had so long centered, to St. Louis, as it was found far more accessible, and by this time there were several heavy establishments of merchandize selected with special reference to this trade.

In 1818, I built a grist-mill, as I had promised, at *Fisher's Coulee*, four miles above Prairie du Chien. It had but a single run of stones, and eventually proved a source of expense to me, but a matter of great convenience to the people. Lieut. Col. TALBOT CHAMBERS went up to Prairie du Chien in 1817, in my boat, and assumed the command of the garrison. Col. CHAMBERS loved to make a display, was fond of drinking freely, and was naturally tyrannical and over-bearing—and, when intoxicated, was desperate and dangerous. Once when so inflamed with liquor, he chased a young female into the house of JACQUE MENARD, with no good motive for doing so, when MENARD reproached him; upon which CHAMBERS ordered a file of twenty-five soldiers to tie him up, strip, and give him twenty-five lashes with a cat-o'-nine-tails, well laid on.

* In a letter dated at Prairie du Chien, June 7th, 1818, it is stated: "Since you left this place, there have been several arrivals at different times from St. Louis, among whom were Mr. BOILVIN, (who is now Indian Agent, and civil magistrate,) Col. McNAIR, Maj. FOWLER, Mr. SHAW, and Lieutenant (now captain) HICKMAN and lady. In two hours after his arrival, Col. CHAMBERS started for St. Louis; whether he will return, I do not know. HICKMAN now commands this post."—Am. State Papers, Public Lands, IV, 32.

While the preparations were making for carrying this inhuman order into effect, a son of NICHOLAS BOILVIN, a bright and handsome youth of some ten years of age, ran up and commenced crying and pleading in behalf of MENARD, not wishing to see one of the citizens thus humiliatingly punished in public. After two or three blows were struck, Col. CHAMBERS ordered the drummer to cease. MENARD was a clever citizen, cultivated a large farm, and had a worthy family of quarter-bloods. Col. CHAMBERS inflicted corporeal punishment in several instances, and finally for cutting off both ears of one soldier, and one of another, was tried and cashiered; and then descended the Mississippi, went to Mexico, and joined the army there, and had risen to about the rank of colonel in that service, and was in the Mexican army at the surrender of the city of Mexico to Gen. SCOTT. It was in consequence of Col. CHAMBERS' petty tyrannies, the civil law not being much in force or very effectual, that I abandoned all idea of settling at Prairie du Chien, and all the designs of improvement I had formed, and sold my mill at a sacrifice.

In 1819, I proceeded up Black River to the first fall, about six feet descent, and erected a saw-mill on the south-eastern bank of the stream. I had barely got it fairly going, when hundreds of Winnebagoes came there, in a starving condition, and importuned me incessantly for every thing I had for eating or wearing purposes, and I was thus soon left without supplies, and returned to Prairie du Chien. The next spring I went up there again, and found the Indians had burned the mill; I then rafted down a quantity of pine logs I had cut the previous year. These were the first mills erected in western Wisconsin.

In the early part of 1821, I commenced clearing and settling a farm between the Mississippi and Illinois Rivers, at the point where Gilead is now located; and, from year to year, extended my farming operations, until I cultivated twelve hundred acres in one year, and had nearly four hundred head of cattle. In 1822, I was chosen to represent Pike county in the Illinois Legislature, and my district then embraced all the country north-west of the

Illinois River to the northern limits of the state. I was the anti-slavery candidate, and in favor of a new Convention.* I was twice subsequently chosen to the Legislature, though others managed to get the certificates of election. I repeatedly held the office of county commissioner, was twenty-three years post-master, and over twenty years a magistrate.

For twenty nine years I continued farming, and purchasing lands, until, at one time, I owned thirty thousand acres in Illinois and Missouri. But in 1841, I was induced to build a steam-boat, and it was the first one built on the Mississippi above St. Louis; it bore my own name by special desire of many friends; and the total loss of the boat a year after, caused me a loss of eighty thousand dollars. This so broke me up, that, in 1845, I came to Wisconsin, and after exploring all the northern part of the Territory, I finally located the present site of St. Marie, on a beautiful bank of Fox River, in Marquette county, where I removed in 1846, and where I still reside. On the opposite bank of Fox River, is a large spring, called by the early French, *La Cote St. Marie*.

In 1852, I lost my eye-sight, which I have partially recovered early in 1855, as the result of surgical operations in New York city, but not sufficiently restored to enable me to read or write. I am now in my 73d year, five feet and five inches in height, with dark eyes, hair and complexion, and weighing about one hundred and forty pounds; never having drank spirituous liquors, used tobacco, or indulged in games of chance, and am still generally healthy and active. I was never married. I have been

* NICHOLAS HANSON contested the seat with Col. SHAW. Parties ran high in the State, and the Legislature was very closely balanced. Two questions then seemed to be the all-absorbing matters of interest; one was, the re-election of JESSE B. THOMAS as United States Senator, and the other was the calling of a new Convention to revise the Constitution of the State. Gov. FORD, in his History of Illinois, remarks: "HANSON would vote for THOMAS, but SHAW would not; SHAW would vote for the Convention, but HANSON would not. The party had use for both of them, and they determined to use them both, one after the other. For this purpose, they first decided in favor of HANSON, admitted him to a seat, and with his vote elected their United States Senator; and then, towards the close of the session, with mere brute force, and in the most bare-faced manner, they re-considered their former vote, turned HANSON out of his seat, and decided in favor of SHAW, and with his vote carried their resolution for a Convention."

almost fifty years a Western pioneer, and during this time have served my country to the best of my ability. I have run many a narrow chance of my life in defence of the exposed frontier settlers. Commencing forty years ago, I have been a pioneer in the commerce, navigation, milling, lumbering, and lead trade of Wisconsin; and, in every situation in life, I have aimed to prove myself honest, patriotic, enterprising and useful—these reflections are a comfort and consolation to me in my old age.

APPENDIX No. 8.

MEMOIR OF HON. THOMAS PENDLETON BURNETT.

BY REV. ALFRED BRUNSON, A. M.

At the request of the Historical Society of the State, I have compiled the following pages, mostly from the papers and correspondence left by Mr. BURNETT. Being his father-in-law, I shall be readily excused from eulogising him. I have avoided the selection of such passages in his correspondence, as might be calculated to give offence to the living, or the friends of the dead; except, perhaps, in a few instances, where it seemed necessary to do justice to the subject. I have omitted names where the subject matter might be offensive, if I could do so without marring the interest of the history.

The writing has been done in detached portions of time, snatched from other vocations, and in connection with the examination of some fifteen hundred letters and papers, to ascertain which and what had reference to the subject in hand, and of course is not as perfect in composition as it might be, not having had time to copy. But among the most sensible of readers, a simple unvarnished statement of facts is of more interest, than highly-colored, wire-drawn details of matters uninteresting in themselves.

Some matters herein set forth may be of little interest to a certain class of readers, while they will prove very much so to others. In a work of this kind, variety is necessary to suit all kinds of taste. The historian of Wisconsin and the lawyer, will find some things of interest to them; and, it is hoped, that the citizen, the student, the politician, and especially the friends of the deceased, will be gratified with the perusal of the whole.

THOMAS PENDLETON BURNETT, son of JOHN and JUDITH BURNETT, was born in Pittsylvania county, Virginia, on the third day of September, A. D. 1800. Of his parentage and family I have but little knowledge. From his name and place of nativity, we nat-

urally infer that his family must have been connected, but how nearly or remotely we know not, with some of that name who hold honorable relation to the "Old Dominion." Mr. BURNETT, however, never boasted of his "descent from one of the first families of Virginia," nor did he depend upon the merit or fame of his ancestry to give him an honorable position in society. He depended upon his own merits, arising from his own native talents, acquirements, enterprise, worth and industry; and whatever he was in the estimation of others, he claimed to be "a self made man," having, as the Sage of Ashland once said of himself, "inherited nothing from his parents but existence, ignorance and poverty."

His father emigrated to Bourbon or Spencer county, Kentucky, when THOMAS was but a child. From his letters I learn, that he had three brothers, GEORGE W., WILLIAM, and JOHN C., and one sister, EMILY A., who married J. H. D. STREET, now of Iowa.

His education was such as the common schools of the country then afforded, with an academy at some county seat. He was raised to farming, but aspiring to the profession of the law, he sought a suitable education with that view. The circumstances of his father not admitting of his aiding his son in his laudable design, he, like young WEBSTER, was thrown on his own resources to obtain it. But not having the New England colleges to repair to, he availed himself of an academy, with some private instruction from gentlemen who delighted to aid him in his studies. He wrought with his own hands a part of the time, to obtain means with which to attend school the other part; and when he was sufficiently advanced to teach school, he did so a part of his time, prosecuting his studies as best he could when not so engaged.

While reading law, he was favored with some minor offices, such as constable, deputy-sheriff, sheriff, &c., from the fees of which he derived a scanty means of support. Soon after he was admitted to the bar, he settled himself in Paris, Ky., and commenced its practice. Here he was often compelled to encounter some of the ablest lawyers in that chivalrous state. This, how-

end, instead of being detrimental, was a benefit to him, because being resolved to succeed in his profession, the sharp rubbing he received from his elder brethren at the bar, served to nerve him up to greater effort to meet, and if possible to vanquish those legal Goliaths; and by availing himself of the points they raised, and the authorities they cited against him, when they changed sides on similar cases, he was able to hurl back at them their own thunder, now made his own by adoption. By these means, added to untiring application, he gained considerable eminence for a young man, in a short space of time, so that for two years he filled the responsible place of district attorney.

At this time the contest for the Presidency was pending between JOHN QUINCY ADAMS and ANDREW JACKSON. In this, Mr. BURNETT espoused the cause of the latter, and it seems that he was so active a partizan of that cause, that it brought him into favorable notice and fraternal feelings with such men as Col. R. M. JOHNSON, THOS. MARSHALL, W. T. BARRY, N. DAVIS and others of the same school, who were his fast friends at Washington, and aided him in his future enterprizes in that direction, when, in accordance with the spirit of the successful party, he sought a portion of the "spoils" in the shape of an office.

The difficulties, however, attending the distribution of political favors, where there are so many more applicants than there are offices to fill, prevented his succeeding according to his wishes. From a letter to him from Mr. BARRY, it seems that he sought a clerkship at Washington, but was informed not only that the places were filled, but that the salary, a thousand dollars, would not pay the expenses of a married man, and he was advised to accept of an office on the frontier, where, though the salary was less, the expenses were so much lower as to make it more profitable; and further the prospect of rising to some higher place on the frontier was so much greater in a new country than at the Capital, as to make it preferable to the other. He was accordingly appointed sub-Indian Agent at Prairie du Chien, October 15th, 1829, under the agency of the late Gen. J. M. STREET.

But during the pendency of this question, being in suspense whether to accept it or not, an incendiary set fire to the town of Paris which threatened its entire destruction. In this emergency, though he had not a cent at stake, he exposed himself in his exertions to arrest the fire, and save the property of others, to an extent that nearly cost him his life. A wall of hot bricks fell upon him, which not only broke, but literally crushed one of his lower limbs, from the effects of which he was confined to his bed and room for seven months, and left him a cripple the remainder of his life, causing him to limp as he walked. As though the cup of his affliction was not yet full, while his sufferings were intense, and his life despaired of, his ungrateful wife left him to be cared for by others, and never returned to her duty in the relation of a wife. It will be seen hereafter, that there was no cause on his part for this desertion, and that both his and her friends justified and approved his suing for a divorce from her, at a subsequent period.

The disaster at the fire disabled him for business ; his practice, of course, passed into other hands, and his funds were nearly exhausted. The idea of beginning anew to regain his practice being rather gloomy, he concluded to accept the office offered to him in the Indian Department, and arrived at Prairie du Chien in June, 1830. From some letters from his Kentucky friends, it would appear that this country, its then inhabitants, and the duties assigned him in his agency, did not exactly suit his taste, or meet the pre-conceived idea he had formed of it. But as he became better acquainted with matters and things connected with his residence, his duties, and the country, he became passionately attached to them all.

At the time of his arrival in the country, there were but two or three American families in the place, except in the garrison, Fort Crawford. But the major part of the inhabitants, some four hundred in number, were Canadian French and half-breeds, who spoke only French, with some Indian languages, all of which were to him unknown tongues.

A post-office had been established for the benefit of the garri-son, agency and traders ; but communication with the States by mail or otherwise was seldom and uncertain ; the next nearest post-office on the south being Galena, and there being no regular contractor to carry the mail, eight weeks sometimes intervened between the arrival of the mails.

To give an idea of his duties, as well as to preserve an item of the early history of Wisconsin, I copy the first letter of instructions which he received, soon after his arrival at this place, from Gen. STREET, the Indian Agent, dated July 1st, 1830 :

“SIR:—You will please to remain at the lower part of the village of Prairie du Chien, until otherwise directed, and occasionally visit the quarters of Gen. WM. CLARK, Superintendent of Indian Affairs at St. Louis, and receive and perform all that he may require of me as Agent, during the time I may be absent. You will particularly attend to and draw provisions for all the Winnebago Indians, except those living in the superintendency of Gen’l. CASS ; and if any Winnebagoes from Rock River attend and wish you to draw them provisions and attend to them, you will do so, and report the case to me.

“If at any time a special requisition to see me is made, you will please hire some person to come immediately to my house for me. I shall be obliged to you, to copy and hand to Gen. CLARK my letter on the difference between the Indians, and, if desired, a list of the principal men attending and where from, also the number of Indians and where from.”

The residence of Gen’l. STREET, at that time, was at the north end of the Prairie, about five miles from the fort, the usual place of doing business. These instructions therefore laid upon Mr. BURNETT all the *active* duties of the agency, except when special calls for the Agent occurred ; and required of him the clerking labor, and traveling to and from St. Louis, “to hand to Gen’l. CLARK” the reports and returns made by the agent.

At that time, this place was entirely within the Indian country. The beautiful Prairie, seven miles long, and from two miles wide

at the south end to a point at the north end, was, from its earliest settlement by the traders and their employees, say 1747, given, by common consent of the Indians, to the French and other settlers, and was, previous to 1793, divided off into farm and village lots. The farms fronting on the river or sloughs, and running back to the bluffs, being of different widths, as agreed upon by the claimants. These claims were subsequently confirmed by JAY's treaty and an act of Congress; and in 1823, the evidence of settlement was taken, and in 1828, the claims were surveyed by order of the Government.

St. Louis was then the emporium of trade, and the head quarters of the army and Indian department, and the centre of mail facilities for all this upper country. This caused frequent journeys for the Agents, to obtain supplies of money, provisions, annuity goods, and to make returns and reports to the Superintendent, as well as to receive instructions. These journeys were performed in summer by the occasional steamboats which ascended and descended the river; but if no boat came along at the time, the voyage was made in a canoe, or by land through the wilderness five hundred miles. Steamboats ascended this high only when government supplies were sent to the agency or the army, the traders availed themselves of such opportunities to get up their goods and send away their furs and peltries.

The friends of Mr. BURNETT in Kentucky felt a strong solicitude for his safety, and a great curiosity to know how a Kentucky lawyer would act in such a place, and especially in an Indian council. His correspondence at that time, shows that their imaginations were in active flights of fancy, and pictured him out in a citizens dress, but seated on the ground by the side of huge Indian chiefs, with a long Indian pipe in his mouth, smoking peace with the stalwart sons of the forest. Some thought, that in a few weeks he could dispense with interpreters, and talk himself with the four or five different tribes who did business at the agency; some feared he would fall a prey to savage ferocity, while

others supposed he could, if need be, fight his way through their ranks at pleasure.

Notwithstanding the remoteness of the place from civilization, and the sparseness of the population, say three or four hundred, courts had been instituted under the laws of Michigan, which then extended its jurisdiction over this country. What is now Wisconsin was divided into Brown and Crawford counties, by a line running north and south through Portage, where Portage City now stands; and all that part of Crawford south of the Wisconsin, was set apart as Iowa county, Oct. 9, 1829. The courts for Brown county were held at Green Bay, those of Crawford, at Prairie du Chien, and those of Iowa, at Mineral Point. Judges, justices of the peace, sheriffs and constables were in being. Under these circumstances, Mr. BURNETT had some practice as a lawyer.

As a specimen of the surprise and amusement this fact produced among his old friends in Kentucky, I give the following extract of a letter from G. W. WILLIAMS, Esq., dated Paris, Ky., Feb. 17th, 1831: "I am much gratified to learn, as I did by your letter, that you were well and in good spirits, and what is perhaps nearly as comfortable, able to make something approaching *respectability* by the practice of the law. Heavens! who would have thought a sustenance could be made at *Prairie du Chien* at law; whilst in the commercial and monied states, the most industrious and talented, scarcely receive more than *three* per cent. upon the capital invested, which upon an average may be estimated at about \$20 office rent, \$5 for wood in winter, and \$100 for books. I am equally well pleased to learn that you are better satisfied with the country and your location than you at first anticipated would be the case. By the-by, how do you get along with your sublime talks and big speeches with the Indians? I presume by this time, you scarcely stand in need of an interpreter, but can converse in their language with some degree of facility. I wish you would in your next give me a specimen of one of your talks."

Mr. BURNETT's subsequent prominence in the country of his adoption naturally excites the desire to know his character and standing in the society he had left when he came here. Of this we gain some knowledge by the letters he received after his arrival. NATHANIEL DAVIS, under date of July 15th, 1830, says: "I had the satisfaction of examining a letter from you, in which you speak of the habits, customs and manners of the people of your country, as well as its situation. Your friends here appear to be all anxiety for your safety and prosperity. You have no correct idea of the number of your friends, nor of the lively interest they seem to evince both for your welfare and happiness. A person's absence will generally exhibit the extent of his friends or of his enemies; of the latter none have been so bold as to appear." GEO. W. WILLIAMS, under date of July 23d, 1830, says: "I am pleased to learn that you arrived safe at your point of destination, and I certainly hope you may realize all your reasonable expectations. Your trip must have been one of considerable interest, notwithstanding you had to undergo some necessary hardships. I expect it will be some time before you will be entirely at home in your agency, judging of you by myself. I suppose you will not at once be enabled to understand and act up to the notions of Indian conduct and character.

"You mention something of a council held recently for the purpose of making peace between some hostile tribes. I suppose in that council you made your debut: if so, give me an account of it in your next. I should like to know whether or not the reality will verify my imaginations on the subject. For instance I fancy you to be, not clouted or painted, but, as usual, in your ordinary dress, the broad-brim beaver, I mean the *white*, cutting the most conspicuous figure; handing a large stone pipe with reed handle four feet long, plentifully supplied with kin-a-ki-nic and tobacco, with the utmost dignity, combined with all possible conciliatory address, from one chief to another and so on, hearing and making all kinds of speeches and pow-wows, and grand sit-

tings, &c. &c. Is it a fancy or is it a fact, as Curran said. God bless your labors, my dear fellow, and he will, for 'blessed are the peace-makers.' "

At that time, 1830, there were evident signs of uneasiness among the Indians. But three years had passed since the disturbance made by the Winnebagoes, when several white families were murdered by them in this vicinity. Gen. STREET, the Agent, was frequently absent on duty or business, when the duties of the agency fell upon Mr. BURNETT as sub-Agent, and he was assiduous in watching the signs of the times. Col. MORGAN, then in command of Fort Crawford, was also on the alert, and to obtain information addressed a note to Gen. STREET, which called from Mr. BURNETT the following answer, under date of Dec. 6th, 1830:

"Sir: In compliance with a request in your letter of the 7th inst., addressed to Gen. J. M. STREET, U. S. Indian Agent, I have to inform you, that every intelligence which I have received since my arrival at this agency, has confirmed me in the opinion that a war carried on between the Sioux and Chippewa tribes of Indians, is highly prejudicial to the safety of white men in the vicinity of their hostile movements, and dangerous to the navigation of the Upper Mississippi, particularly that part about Lake Pepin, and the mouth of the Chippewa river.

"This opinion, I think, is fully sustained by that of men older and more experienced in Indian transactions than myself, and by the murders committed on that lake in 1825. The facilities with which the Chippewa war parties descend the Chippewa River, and lurk and conceal themselves about the shore of the lake, enables them, if so disposed, to murder men navigating those waters, with impunity. Of their disposition to attack white men when in a rage for war, I think their former outrages, and their conduct this season at the mill on the Menomonee River and its vicinity, afford sufficient evidence.

"I am satisfied, that while affairs with those tribes remain in their present state, no man, who has a prudent regard for his safety, would in navigating the Upper Mississippi, encamp on the

east side anywhere near the lake, or the mouth of the Chippewa River, at any time during the season in which the war parties of those tribes are out."

We have already seen that Mr. BURNETT was one of Gen. JACKSON's early friends and firm supporters, and as such claimed, in common with the party, a share in the favors of that chieftain, and finding that the pay of his office, \$500 per year, was not equal to the duties he had to perform, nor the expenses of living on this distant frontier, he addressed his firm friend, Col. R. M. JOHNSON, soliciting his aid in obtaining a better situation, from whom he received the following answer of Feb. 5th, 1831. This letter shows not only the high estimation in which he was held at Washington, but also the difficulty of obtaining office, owing to the great number of applicants :

"Your favor has been received, in which you express a desire to be appointed Indian Agent at C——, &c. As soon as I received your letter I called on the Secretary of War to ascertain whether the place was still vacant, that I might present your claims as desired ; and was informed by him that the person was selected for the office, and I believe was nominated to the Senate, which prevented even an opportunity of serving you. I should be happy to serve you whenever opportunity offers. But *I can assure you that there is such a press of applications for every vacancy high or low*, that the prospect of success is gloomy, for any person. I feel sincerely and feelingly what you say about your difficulties and embarrassments."

At this time, the national administration looked with a jealous eye, not only at the National Bank, but also at the American Fur Company. Whether this was because the chief agents of that Company differed in politics from the administration, from which was inferred that opposition existed in their subordinates ; or whether, as in case of the Bank, the trade was deemed so profitable as to be an object worthy of control, to furnish office and employment for aspirants who could not otherwise be provided for, is not easy to be determined at this late day. But it is cer-

tain that a war of words, and, to some extent, of laws, was waged against the Company, as well as against the Bank, and Mr. BURNETT, as an Agent of the Government, was called upon *by authority* to furnish information to be used in the attack upon the Company.

A letter dated St. Louis, Mo., May 3d, 1831, to Mr. BURNETT, reads thus: "The American Fur Company seems to have made war upon the agents in all the Missouri country, except one or two who belong to them; hence the reason for the publication of a series of numbers in the St. Louis Beacon, commencing 3d Feb., to which you are referred. They have been attributed to me.

"I wish you to furnish me a full and minute history of the workings and doings of this Company in your quarter; *whether they do not oppose the present administration and views of the Government, and the agents of the Government*; whether they do not cheat and impose on the Indians of your agency, as to prices, &c. What are their prices, and whether they have not purchased up all the interpreters that are worth anything; whether they do not hold councils with the Indians, and render the agents odious to them; whether they do not employ persons that are really opposed to our Government; (the monopoly I refer to is the Am. Fur Co.); whether they do not bid an insolent defiance to the authority of the Government and its agents; and is not their course opposed to civilizing the Indians.

"I want the benefit of your information generally; but not to be published, or your name in any manner exposed, or in the slightest manner referred to unless authorized. This Company have threatened to break down the Department and elevate themselves; hence the lot has fallen on me to expose and break them down, which will be accomplished. *Doubt not; I know the authority under which I proceed. Direct to me, care of Gen. Clark.*"

Whatever may have been the motive of this system of espionage, or whether Mr. BURNETT did as required, I know not; but I

do know, that whatever he may have thought of the course pursued by the Am. Fur Co., he held in perfect odium this relic of tyranny, a system of espionage in other men's concerns.* But there really being no grounds, except as above hinted, for this parade of weapons against that Company, the probability is Mr. BURNETT did not furnish the desired information; and it is further probable, that his not doing so, was one cause of his proscription in 1834. There were, no doubt, some things in the management of the fur trade about as detrimental to the interests of the Indians, as in the trade of merchants generally with the whites. But the advantages that both are to the communities in which they are established, so far exceed their disadvantages, that the latter sink into the shade of forgetfulness in the light of the former.

In twenty years residence among Indians, traders and Canadians, I have not been able to discover any tendency towards Canada or the British government from the employment of Canadians or foreigners in the fur trade. The only thing that I could discern as influencing the Indians towards the British, was the presents given them on Drummond's Island in Lake Huron. While these were given, the Indians from the head of Lake Superior and its tributaries would go occasionally to get them, but when these were discontinued, their visits were also discontinued. Nor were the profits of the fur trade so very valuable as was supposed; in proof of which we have the failure of one of the companies, as well as the vast majority of their factors or sub-traders. The trader might sell his goods for three times their original cost, and yet be the loser in the transaction. To give an idea of this, or the facts in the case, the account stands as follows:

* It may well be regretted, that so much stress is laid upon this matter by Mr. BRUNSON. Of the writer of the letter cited, we know nothing—the letter itself comes to us as anonymous; and the “by authority” may well have been assumed for some sinister or vindictive purpose the writer had in view against the American Fur Company. Narratives like this, designed for historic preservation, to go forth under the auspices of the State Historical Society, and designed too for readers of all shades of political opinion, should never be marred by even the semblance of party prejudice or personal animosity.

The original cost of the outfit, say	\$500
One clerk, whose pay per annum is	500
Four <i>voyageurs</i> , who convey the clerk and his goods to their winter quarters, build their fort, guard their goods, get wood, provisions, &c., &c., at \$100 per man,	400
The wild rice and meat purchased,	100
<hr/>	
Cost of outfit, besides canoes,	\$1,500

In this trade, the Indians must have credit for ammunition, blankets, &c., or they cannot hunt, and of these, upon an average, one-third is not paid. The game may be scarce, the hunt unfavorable, so that they cannot pay; and some Indians, like some white men, are dishonest, and will not pay. Now unless the trader sells at a price to pay expenses including transportation from Europe to the place of sale, the expense, of agents, factors, chief officers, &c., it must be a losing concern.

In view of the facts of the case, the supposed profits of the trade were probably the object of pursuit. But before that could be obtained, some pretext must be found on which to legislate the Company out of the Indian country. The act of 1834, regulating the trade with the Indians, did not do this, but was in reality a benefit to the Company; yet the Company failed because the Indians were decreasing, the trade diminishing, and the game fast disappearing.

It was true enough, that a majority at least of the agents and clerks of the American Fur Company were, like most other business men of that time, not favorable to the political views of the then dominant party, and it is further true that the Indian agencies being now filled by the friends of the dominant party, in reward for their services in electing their chief, this would of course bring the two opposites in *political* views into contact in the Indian country, and the traders might truly enough be opposed to the then administration. But this trading Company was a private, not public concern, and the Government had no authority or right in our free country, to interfere with the business, or to seek

the supposed profits of the trade, in order to reward partizans for their political services.

The Government had its factories established under its patronage and control, the offices whereof could be filled by the Executive with the same right and authority as other offices under his control. But these factories had proved a failure as to profit, and therefore were of no value. In all my intercourse with the traders, I found them very prudent and cautious in expressing their views on politics; and, without exception, found them disposed to sustain the Government in its measures regulating intercourse with the Indians. This was policy in them, lest they should bring down the power of the Government upon them, in the shape of oppressive laws, which would break up their trade.

I allude to these facts, to show the absurdity and bad policy, in a free country especially, of this "spoils" theory, and whether Democratic or Whig, or any other party should be at the head of affairs, the rewarding of partizans with office is setting a precedent which must eventually, if not discontinued, lead to the ruin of our institutions. Those out of office are always more numerous than those who are in, and if at any time the "outs" unite, they can oust the "ins;" and by this process, the most villainous may gain the highest power, and by sufficiently rewarding his followers, secure himself, as did LOUIS NAPOLEON, on a throne, before the country is aware of it.

In May 1831, Gen. STREET leaving the agency in care of Mr. BURNETT, the latter reported to Gen. CLARK, on the 18th of that month, that "the Indian relations among the different tribes of this quarter, have not a very amicable appearance. The threatening of the Sauks and Foxes, and occasional acts of mischief committed by them against the whites, in the vicinity of Rock Island, have doubtless been communicated to you before this time.

"The Sioux chief WABASHAW and a considerable number of his tribe, are now here. A small party of them who came across the country from Red Cedar, state that within their country north of the line of the purchase of last summer, they came upon a war

road of the Sauks and Foxes. They followed the trail leading out of their country several days, and from the signs remaining at their camps, they have no doubt, that three or more of the Sioux have been murdered by the Sauks and Foxes. Among other appearances that confirmed them in this belief, was a painted buffalo robe, such as no Indians in this quarter but the Sioux, make or use, cut in pieces at one of their camps. They pursued their trail until they came upon their camp, a few miles north of the old Red Cedar Fort; but finding them double their own number, did not make an attack. They say, that they have made peace and promised to keep it, and will not in any case be the aggressors.

"Col. MORGAN informed me two days since, that he had sent down to the Sauks and Foxes to send up ten or twelve of their men to see him, and have a talk with him. They were expected here on yesterday, but have not yet arrived. The Sioux are waiting their arrival, and are, I believe, ready to meet them, either as friends or enemies. When they were informed that the Foxes were coming, they put their arms in order. They say that if the Sauks and Foxes come and deport themselves peaceably, they will not molest them, but if they see any hostile manifestations, they will strike them. My own opinion is, that if the Sauks and Foxes have had a war party out against the Sioux, they will not come here upon Col. MORGAN's invitation, knowing as they do, that the Sioux always visit this place about this season in considerable numbers.

"A part of the Menomonees have been to see me since Gen. STREET's departure. They renewed their promise not to go against the Chippewas for the present, but to wait a while longer to hear from their Great Father."

The squally appearance of Indian affairs, called for the watchful attention alike of agents, and officers of the army. But it became a question of etiquette, which should take the lead in the matter. The military seems to have claimed that right, while the agents claimed at least to know what had been done in the

premises ; both being then under the superintendence of the War Department, the military considered the Indian Department as subordinate to theirs. But Mr. BURNETT thought otherwise, claiming that each branch of the public service had its appropriate duties, with which the other should not interfere, while in case of necessity one should assist the other, both acting in unison. And as the Sauks and Foxes alluded to in his letter to Gen. CLARK did come to the place, with whom Col. MORGAN held a council, without the knowledge or co operation of the Agent, Mr. BURNETT claimed to be informed of the nature and extent of the proceedings, and addressed a note, dated May 23d, 1831, to Col. MORGAN, as follows :

“SIR—I was informed yesterday that you held, on the morning of that day, a council with a party of Sioux and a party of Fox Indians which you had assembled in the village of Prairie du Chien. As the acting Indian Agent at this place, it properly concerns me to know what takes place at this post in relation to Indian affairs. I should therefore be glad to be informed of the circumstances that required such council. The objects to be effected, and the results accomplished ; also the names of the chiefs or men of influence of either tribe, who were present. Will you please to communicate to me as early as may be convenient, the desired information, and likewise whether Gen STREET was apprised, previous to his departure, of the contemplated meeting of those Indians.”

This brought from Col. MORGAN the following tart reply, and raised the question of prerogative :

“SIR—I acknowledge in you no right to call on me to render an account of my proceedings to you, though if you will do me the favor to call at my quarters on my return from St. Peter's, for which place I am just about to set out, I will explain to you the object of the council and tell you what passed. You were apprised yourself of the Foxes having been invited, and you knew they had arrived. Why stay four or five miles off? I stated to

the Indians that you should have been to the council, if you had been here."

The "four or five miles" alluded to by the Colonel, was the distance from the fort and village to the residence of Gen. STREET, where the office of the agency was kept, that being the nearest house suitable for his family that could then be obtained. It was true, that Mr. BURNETT had knowledge that the Foxes had been sent for, the Sioux being already on the ground, and that the Foxes had arrived, but not of the time and place of holding the council, and this he claimed should have been given. But the Colonel, standing upon the dignity of his office, as commandant of the military post, seemed to think that the Agent must or should have been on hand, whether he had notice thereof or not, as any other spectator.

The question of prerogative was now fairly raised. Whether it was ever settled by the War Department, I do not know, but a common sense view of the subject would say, that each branch of the public service had its own appropriate duties and prerogatives, and that neither had a right to interfere with or encroach upon the other. The Indians were placed under the care and control of the agency, while the military was under the care and control of its proper officers; nor had Col. MORGAN any more control of the Indians, than the agent had of the troops. Their uniting in one common head at Washington, gave one no more right to interfere with the duties of the other, than it would the Navy and War Departments to encroach upon each other because the President was their common head, or for the Executive, Judicial and Legislative departments to arrogate each others' rights, because their respective powers were alike derived from the Constitution. Every department of the Government, and each subordinate branch of the respective departments, have their appropriate duties to perform; and when necessary, to unite their energies for the benefit of the whole. So if the civil department, to which the Indian department belongs, and is *now* appropriately assigned, requires the aid of the military, the latter must serve

the former ; for, in our form of government, the military must be subject to the civil authority. It is clear, therefore, that in this case Mr. BURNETT was right.

It is well known, that on the frontiers, and beyond the reach of courts of justice, and sometimes within their reach, if not very strong, the military officers are very apt to exercise all the authority of the Legislative, Executive and Judicial departments, over the few straggling citizens who may chance to be in their vicinity. In some cases this has been absolutely necessary, because no other government existed. In my first visits to Fort Snelling, at the mouth of the St. Peters, then commanded by Lieut. Col. DAVENPORT, and three hundred miles beyond the jurisdiction of any civil court, this was the only government exercised over the traders, their employees, discharged soldiers, and *voyageurs* who had settled in that vicinity. But such was the mild and patriarchal character of the administration of the government, that no one could reasonably object to it, or be particularly anxious for a change. The only thing complained of, was the suppression of the whiskey trade among the Indians and soldiers ; but this was done by authority of an act of Congress, and the articles of war, and was not only justified, but demanded by the laws of humanity.

Yet, in some instances, the officers of the army have exceeded the bounds of propriety and the rights of citizenship, and that too where the civil authority was within reach. A citizen of this place was once whipped by the soldiers by order of Col. J—s ; another was sent to St. Louis under guard, without any charge being preferred against him, and left to find his way back to his family as best he could, and upon his return, he found them ejected from his house by the soldiers.

Mr. BURNETT informed Gen. CLARK of the transaction of Col. MORGAN, May 28th, 1831 : "In my letter of the 18th inst., I informed you that Col. MORGAN had sent for the Sauks and Foxes to visit this post. On the 21st instant, about fifteen men of the Foxes of Dubuque mines arrived at the village, and on the next

day Col. MORGAN held a council with them and the Sioux, who were here. I presume that whatever took place at the council, or was effected by the meeting of the Indians, of any importance, will be communicated to you through the proper channel, by Col. MORGAN who acted alone in the measure.

"The Sioux had been waiting the arrival of the Foxes for several days. The Foxes landed at the village on Saturday evening, not later I think than four o'clock. The council was opened the next morning, as I am informed, at ten o'clock; yet no intimation of either time or place of meeting, or that my presence was at all desired, was given, although there was ample time to do so. Throughout the transaction, there has been no consultation had, or co-operation had with the agency. The only communication upon the subject previous to the council and the departure of the Indians, was the simple fact that he had sent for the Foxes, of which I apprised you. I suppose that if any thing occurred of sufficient importance to found a report upon, he will communicate the facts, and in that case, it must appear that the measure was undertaken and carried through without any connection or co-operation with this agency. I have, therefore, given the above statement of facts to show that the absence of co-operation in the affair, was not from neglect of duty or inattention on the part of this agency.

"The information that I have collected on the subject, is this: some fifteen Foxes from Dubuque mines, all young men except one or two, came up and had a talk with the Sioux and Col. MORGAN, in which each expressed a desire to continue the peace which had been concluded between them the last year. The Foxes denied any knowledge of a war party having gone against the Sioux. They said they wished to be at peace, and would not do any act of hostility, but they could not answer for those below—they spoke for themselves only. They smoked and danced together, and parted in apparent friendship and harmony."

The extent of the frontier, and the number of tribes within the agency, kept up an almost incessant excitement as to their affairs,

and to keep the Government advised of all their movements, required constant vigilance and the writing of numerous letters. Under date of June 13th, 1831, Mr. BURNETT writes to Gen. CLARK: "I have received, since the last mail from this place, information which I consider entitled to credit, that a war party of Sioux is now being organized among WASHABA's band, to go against the Chippewas, by a warrior of some note in that band. I have also understood, that there are a few Menomonees, relatives of those who were killed by the Chippewas in the fall and winter past, now with the band of Sioux. But I have not been able to learn whether they intend joining the Sioux in their expedition, or not, but think it probable that some of them will do so."

Under date of June 29th he wrote: "I am informed by Major LANGHAM, who arrived here from below a few days since, that the Winnebagoes of the *Prophet's* village on Rock river, have united with the Sauks and Foxes. The Winnebagoes of the Wisconsin and Upper Mississippi are still peaceable. They are most likely waiting to see the first results of the movements below, and intend to act afterwards according to circumstances.

"Until within two or three weeks past, very few of those Indians have visited this place, for a length of time, fewer, I am told, than usual at this season of the year. Lately a great many of them have been here, the most of whom came down the Wisconsin and have gone up the Mississippi. A great portion of them are old men, women and children. They continue to pass by daily. Many rumors are in circulation as to their present disposition and intention; very few of which are, perhaps, entitled to implicit belief. They have served, however, to give considerable alarm to many of the inhabitants of the Prairie, and many of them begin to think themselves in danger. I have spared no pains to ascertain the disposition of the Winnebagoes here, and have found no evidence of a disposition to hostilities on their part, unless their sending so many of their old men, women and children up the river, and purchasing powder in larger quantities than

usual for ordinary hunting, should indicate something of the kind.

"I also learned a few days since, that the 'one-eyed DECORI' had left his village at Prairie La Crosse, and gone down to the Sauks and Foxes. This was accidentally communicated to my informant by a Winnebago, and is probably true. DECORI was down about two weeks since, and called to see me on his return home. His deportment was as usual; I saw no change. In fact I have not discovered any change in the deportment or appearance of any of them that I have seen. They all appear to be perfectly friendly. None of the traders here think they have any hostile intentions.

"Col. MORGAN left the fort for Rock Island on the morning of the 27th inst., with two companies from his post, and two more from Fort Winnebago, under Major Twiggs. He had previously called in all fatigue parties, and put his whole force under a course of training. Much alarm prevails in the mines. The people are arming and preparing for their defence. I do not consider that there is any immediate danger either here or in this vicinity. Much, however, will doubtless depend on the result below. The Sioux and Menomonees are certainly friendly, and against the Sauks and Foxes, would willingly unite with the whites, if permitted to do so. I have heard nothing since my last of a war party of those Indians against the Chippewas."

On the 24th of October, 1831, Mr. BURNETT obtained leave of absence until the ensuing spring, to visit some friends and arrange some business he had left unsettled in Kentucky. In granting this permission, Gen. STREET says: "Permit me to avail myself of the present occasion to acknowledge the great support I have received from you in all my official duties, during a period of fourteen or fifteen months, and to assure you of my high regard and unlimited friendship."

Sometime before his departure, Mr. BURNETT had written to his friend Dr. C. R. McFALL of Keene, Ky., in which he gave some account of the duties and amount of business of an Indian

Agent, which drew from him, under date of Nov. 13th, 1831, the following amusing remarks :

“The idea I had formed of the duties of an Indian Agent, I find by the light you have reflected upon the subject, was by no means correct. I had thought his only duty was, to sit behind his desk, and issue out to the Indians their regular supply of whiskey, powder, lead and other articles which Uncle Sam covenants to furnish to the said Indians at an unusually low price ; and in payment for said articles, said Indians have ceded to Uncle Sam a certain tract or parcel of land known by certain boundaries, &c. But no ; in place of enjoying himself in luxurious ease, the poor Agent has to take long and painful journeys by land and water ; suffer from the bites of musquitoes, from heat and cold, &c. Pretty tough work this, for a Kentucky lawyer especially. But it is not, I find, Uncle Sam’s plan to hire laborers to work his farm, and suffer them to sleep out their time in complete torpidity. No, they must be up and doing, must earn their wages by hard labor.

“It must certainly have been a queer kind of a sight, to have seen a Kentuckian, learned in all the lore of the law, holding a council with the red men of the forest. Like a young Mercury he arrives among them ; they are assembled together ; mute silence reigns throughout the Assembly ; deep thought and anxious expectations sit on every countenance. Now is the time ; he rises, tells them in the most finished language of the most fertile imagination, the object of the meeting, what Uncle Sam expects to do for them, and what they must do for him. As he warms with his subject, his imagination expands ; the earth, air and sea are brought to his aid, as comparative objects. He ceases, and his audience knows not what he has said.”

During the time that Mr. BURNETT had been at the agency, he had attended as counsel to some important suits, in which the Government through some of its agents was a party, for which he claimed fees as attorney, this not being embraced in his duties as Agent, and if he had not done so the Government must have

employed some one else. The fees charged for the several suits were \$500, which the Agent approved and allowed. In December of this year, he visited Washington, for the double purpose of keeping his office from the grasp of some hungry office-hunter, hundreds of whom are hovering around the capitol any winter, and against whom I perceive by his correspondence, it is necessary for every office holder to keep a watchful eye, which is the reason that so many of them visit Washington so often; and also for the purpose of securing this fee, which had been refused. But this latter he did not get allowed at that time, but being long-winded on such a chase, he hung to it until the Department paid him \$225.

In February, 1832, while Mr. BURNETT was in Kentucky, Gen. STREET wrote him, that "the Menomonees and Sioux are preparing for a retaliatory war against the Sauks and Foxes in the spring. The Menomonees have made peace with the Chippewas, in order to have no fears from that quarter. The two tribes met above the mill on the Chippewa and made their peace. I have advised the Superintendent so as to have the earliest interference, if any is intended. The Sauks and Foxes, I learn, expect retaliation and will be prepared to meet them. If the Government is not early in stopping them, they will certainly go in considerable force, and a bloody contest may be expected."

About the first of April, Mr. BURNETT received instructions, while yet in Shelbyville, to "proceed to the agency at Prairie du Chien by way of St. Louis, and call on Gen. CLARK for the funds allotted to the agency for 1832, or such portion thereof as he shall determine to forward. The receipts will be forwarded to you at St. Louis as soon as a conveyance by steam-boat shall occur." Mr. BURNETT reached the agency about the 1st of May. At that time the Sauks and Foxes under BLACK HAWK were in hostile movements on Rock River, with Gen. ATKINSON in pursuit. To aid in the defence of the country, Gen. ATKINSON from Dixon's Ferry, May 26th, 1832, addressed Gen. STREET as follows:

"SIR:—I have to request, that you send me at this place, with

as little delay as possible, as many Menomonee and Sioux Indians as can be collected, within striking distance of Prairie du Chien. I want to employ them in conjunction with the troops against the Sauks and Foxes, who are now some fifty miles above us in a state of war against the whites. I understand the Menomonees, to the number of three hundred warriors, who were with you a few days ago, are anxious to take part with us. Do encourage them to do so, and promise them rations, blankets, pay, &c. I have written to Capt. Loomis to furnish them some arms, if they can be spared, and ammunition. If there are none at Prairie du Chien, I must procure some in this quarter. Col. HAMILTON, who has volunteered his services to lead the Indians to this place, will hand you this letter; and if the Indians can be prevailed on to come, will perform the duty. I have to desire that Mr. MARSH may be sent with Col. HAMILTON and the Indians, and an interpreter of the Menomonee language." In accordance with this requirement, Gen. STREET gave, on May 30th, to Mr. BURNETT the following instructions:

"Sir:—You will please proceed with Mr. JOHN MARSH, who goes express to the nearest Sioux village, and render him such aid as may be necessary in obtaining as many Indians as possible, to come down with you, and proceed under the command of Mr. MARSH to join Gen. ATKINSON. The letter of Gen. ATKINSON will be your guide in the business. Use every means to expedite the object; and hasten your return, as much depends upon expedition."

The nearest Sioux village was one hundred and thirty miles up the river from the seat of the agency, which had to be ascended in canoes, there being no steamer then to be had. Yet in six days after receiving the order, Mr. BURNETT made the following report to Gen. STREET:

"Sir:—In obedience to your order of the 30th ult, I set out immediately from this place, in company with Mr. MARSH, in a canoe, with eight hands, to visit the nearest village of the Sioux Indians. From recent indications among the Winnebagoes of the

Upper Mississippi of a disposition to engage in hostilities with the Sauks and Foxes, Mr. MARSH and myself thought best to call at their village on the river La Crosse, and invite so many as might be disposed to join us on our return, and go with the Sioux and Menomonees to join Gen. ATKINSON's army on Rock River. We arrived at the Winnebago village, on the evening of the next day after leaving this post, and that night had a talk with the chiefs and braves upon the subject. WIN-O-A SHE-KAN was opposed to the measure, and declined having anything to do with it. He said the Sauks had twice, this season, presented the red wampum to the Winnebagoes at Portage, and that they had as often washed it white, and handed it back to them; that he did not like that red thing; he was afraid of it. WAUDGH HA-TA-KAN took the wampum, and said that he with all the young men of the village would go; that they were anxious to engage in the expedition, and would be ready to accompany us on our return.

"The next day we reached Prairie Aux Ailes (WA BA-SHA), and found the Sioux extensively anxious and ready to go against the Sauks and Foxes. They were intending to make a descent upon them in a few days, if they had not been sent for. They engaged with alacrity in their preparations, but we found it necessary to wait till Monday morning to give them time. We left their village on our return, at nine o'clock in the forenoon, accompanied by the whole effective force of the band, and at La Crosse, were joined by twenty warriors of the Winnebagoes, the remainder of their village to follow the next day, and reached this place to-day, at 2 o'clock P. M., with one hundred warriors; eighty of whom are Sioux, and twenty Winnebagoes. I think from the disposition manifested by the Winnebagoes, that fifty or sixty more of them will be here before the expedition leaves the Prairie, making a force of one hundred and thirty, or one hundred and forty. The Indians, with whom I have met, appear well effected towards the whites, are in fine spirits, and seem anxious to engage with the Sauks and Foxes.

"I made the promise authorized to the Indians of subsistence,

pay, &c., and told them that their families should be supplied with provisions during their absence from home. The most of the families of the warriors have accompanied them thus far, to take a supply of provisions home with them, when the expedition shall have left this place. It is due to Mr. MARSH to say, that he has displayed great zeal and energy in effecting the object of our visit, and that his exertions had the effect of bringing out the greatest possible force from the bands we have called upon."

Mr. BURNETT greatly desired and strongly urged Gen. STREET to allow him to accompany these Indians and take part in the war. But the general thought his services were needed at and near the agency, and therefore declined to comply with the request.

In the meantime, the Sauks and Foxes retreated from the Rock River to the Wisconsin, taking their own time for it on account of the slow motion of Gen. ATKINSON. BLACK HAWK is said to have remarked, that he could plant and raise corn, and keep out of the way of ATKINSON. But on the Wisconsin, the wiley chief met another and unexpected enemy in the persons of Gen. DODGE and his volunteers, who gave the Indians battle, and routed them, "horse, foot and dragoons." The news of this defeat of the Indians soon reached Prairie du Chien, and it was thought probable that if the Sauks and Foxes could get canoes or even rafts, that they would attempt to escape from their pursuers by descending the Wisconsin River. To prevent this, some volunteer troops, Mr. BURNETT among others, were stationed on that river at the ferry, now BARNETT's. But the Indians took across the country towards Bad Ax. The success of Gen. DODGE at the Peckatonica, led to the following expression of respect from the prominent men of Prairie du Chien, not included in the army, addressed to him July 3d, 1832:

"SIR:—The undersigned, citizens of this place, have witnessed, with feelings of high respect and admiration, the patriotic exertions you have made for the defence of our frontier against the cruelties of savage warfare. Fully appreciating the nature and motives of the bold and energetic course of your conduct in behalf of our suffering country, we send you by Capt. JAS. B. ESTES,

a double-barrelled gun, which we hope you will accept, as a small testimony of the high estimation in which we hold your character as an officer and a citizen." Signed by J. M. STREET, J. P. BURNETT, W. M. REED, H. L. DOUSMAN, MICHAEL BRISBOIS, B. W. BRISBOIS, JEAN BRUNETT and JOSEPH BRISBOIS.

As soon as it was ascertained, that the hostile Indians were wending their way to the Mississippi, north of this place, to escape pursuit; with a view to intercept them Gen. STREET, July 25th, 1832, wrote to Mr. BURNETT: "Sir:—You will proceed up the Mississippi to the Winnebagoes, twenty-five or thirty miles above this place, and inform them of Gen. DODGE's battle, and of the crossing of the Sauts to the north side of the Wisconsin, and that their chiefs CARRAMANA and DECORI* are here, and that I want all of the Winnebagoes to come down with you immediately; tell them it is the wish of their chiefs also. One object of this is, to get them out of the way, with their canoes, to prevent their crossing the Sauts over the river. Send on word, if you can, to the upper villages, that the Sauts have been defeated, and have crossed the Wisconsin. And should the Winnebagoes hesitate, tell them that if they do not come, I will not pay the annuity to any who refuse. The time is now near and they will lose their money. Hasten back as soon as possible."

The next day, July 26th, Mr. BURNETT reported: "Sir:—In obedience of your order of yesterday, I set out from this place in a bark canoe late last evening to visit the Winnebagoes, supposed to be encamped twenty-five or thirty miles above Prairie du Chien. This morning before day the steamboat *Enterprise*, with a military command, came by my encampment and took myself and crew on board. Before arriving at the place where the Indians had been encamped, we found that they had been gone for several days, and had removed some distance above. We there-

* KAY-RAY-MAU-NEE, or *Walking Turtle*, took part with the British at the battle of the Thames, and of DAY-KAU-RAY mention has already been made. In addition to the note on page 178 of this volume, we can state, that the "grand old chief" DAY-KAU-RAY, whose Indian name was SCHA-CHIP-KA-KA, died on the Wisconsin River, April 20th, 1836, in his 90th year.

fore continued on up a considerable distance, passing several lodges at different points until we came to the principal camp, on the east side of the river, supposed to be sixty miles above Prairie du Chien. I communicated your message to all the Indians I saw on the way, who readily promised to obey your instructions.

"At the principal camp, I found WASHINGTON DECORI with a considerable part of the tribe from the Wisconsin and Kickapoo rivers. I immediately informed them of your request, and desired them to get ready as soon as possible and go to the agency. They manifested entire willingness to do so, but said some of their party were out hunting, and would be in at night, for whom they wished to wait, so that all might come together. They promised very positively, that they would start as soon as the hunters should arrive, and would certainly see you by the middle of the afternoon to-morrow. After some conversation about their starting this evening, and their still objecting to do so until the hunters came in, Lieut. ABERCROMBIE told them, that he would wait until sunset for them to get ready; and if they did not start by that time, he would take all their canoes, and bring them down with the steam-boat. About two hours after this, they concluded to start, and let the hunters come on after them; and after seeing all the canoes move off, we started on our return, and reached this place at 9 o'clock this evening. The Indians whom I saw, will be here to-morrow by 12 o'clock. They had not heard of the battle on the Wisconsin, but appeared to be highly gratified and pleased at the news."

The next day, July 27th, Gen. STREET ordered Mr. BURNETT to "proceed with WASHINGTON DECORI to La Crosse, and such other points as you may deem important, and tell the Winnebagoes I wish to see them at the agency. I wish WINNE-SHIOK certainly to come. Much must be left to your own judgment in the case. The object is to get what information you can relative to the Sauks and Foxes, and to draw all the Winnebagoes from the Upper Mississippi, and with them the means of passing the river. If you can, extend the news to the Sioux."

The following day Mr. BURNETT reported to Gen. STREET: "In obedience to your order of yesterday, I went on board the steamer *Enterprise* last evening, and started for La Crosse. We arrived early this morning at the entrance of the lower mouth of Black River, and found the Winnebagoes encamped on the shore. I took WE-KON DECORI, and went on shore immediately to see the Indians. I found the One-Eyed DECORI and the LITTLE THUNDER at the lodges, but found that most of the band had left the village sometime since. WIN-NE-SHICK and WAU-MAR-NAR-SAR, with about fifteen men and their families, had been gone near a month to hunt, and dry meat, about fifty miles up La Crosse and Black Rivers. The rest of the band were in the camp. I told them that you wished to see them immediately; that the Americans under Gen. DODGE had defeated the Sauks and Foxes on the Wisconsin, and after killing a great many had driven them across the river; that the defeated Indians were endeavoring to make their escape to the Mississippi for the purpose of crossing it, and regaining their own country; and that it was probable they would attempt to reach that point, that they might get the Winnebago canoes to cross in, and that they must get away from that place before the Sauks and Foxes arrived.

"They said they would come down immediately on the return of the absent party; that they were afraid of the Sauks, and did not wish to leave a small part of their band behind, who were too few to resist if they should meet them. I then told them to send two of their best young men on horseback, to bring in the hunting party. They very promptly complied, and in a short time the young men were mounted and on their way. I charged the express to carry to the absent Indians the message I had delivered, and to tell WIN-NE-SHICK especially, that his presence was required at the agency. The chiefs present told me, that they thought they would all be here certainly in six days, and probably sooner. I told them it was of great importance to them to come as soon as possible, and bring all their canoes on the river; that if the Sauks should come to that point, they were not strong

enough to prevent them from taking their canoes (if they did not kill them), and crossing over the river; that should they effect a passage to the west side of the river, at any point above this place, within their country, they would be suspected of assisting them, and if it should be known that they had done so, they would lose their annuities, and be treated as allies of the Sauks and Foxes. They promised to start for this place on the return of the absent party, and bring all their canoes with them. From their apparent anxiety, I think they will be here in three or four days at the farthest, though they said it might be six.

"The Sioux chief, L'ARK, who left this place on the evening of the 25th inst., passed Black River this mornin^g before our arrival, and will reach his people with the news (which he received from here) to-day. Having done all we could, we left La Crosse at 10 A. M., and reached this place at 3 P. M.," making 90 miles in five hours.

It was but a few days after this, the 2nd of August, 1832, that Gen. ATKINSON over-hauled the broken fragments of BLACK HAWK's army, fatigued, hungry, and dispirited, and attacked them on the bottoms of the Mississippi, a few miles below the mouth of Bad Ax River, about forty-five miles above Prairie du Chien, and totally defeated and scattered them. BLACK HAWK succeeded in crossing the river by some means, probably on a raft of driftwood, but was soon after taken prisoner by a company of Winnebagoes. Mr. BURNETT was with them or met them soon after the capture, to whom BLACK HAWK gave a piece of red ribbon which was tied to his hair.* Thus ended the most fearful Indian war that has ever occurred on the soil of Wisconsin.

We have noticed before, that Mr. BURNETT being a lawyer, and having but a small salary, one not equal to the duties performed, and the expenses of the place in which he lived, claimed the right which was exercised by others of his profession, to practice at the bar. But in doing so, he involved himself in a difficulty with an

* This piece of ribbon is now, Jan. 18th, 1856, in my possession, and will, with this memoir, be sent to the State Historical Society for preservation.

officer of the army, which was not settled for several years. The affair itself is an item of history in his life worthy of note, but it assumes a higher degree of importance in this connection than mere history, because it involves an important *legal* question, and possibly will cast some light upon the rights, privileges and duties of public agents, as to whether they must abandon all other means of support, when in the public employ, though the pay therefor is insufficient for their support, or less than an equivalent for the services rendered.

The ground work of this matter was laid during the first year of his agency, 1830, but was suffered to slumber till 1832, and was continued under advisement, or something else, until 1833. But to give the whole matter in one view, I shall here place it in one connection, which cannot be done to better advantage than by copying some of the proceedings. On the 3rd of November, 1830, Capt R. B. MASON preferred the following charge against Mr. BURNETT, to Col. WILLOUGHBY MORGAN, who, as we have seen, had no jurisdiction or control over the agency or its incumbents, it being a separate and distinct branch of the Government. The Colonel, as we have already seen, was at this date commanding officer of the *garrison*, not of the Indian Department:

“SIR—I beg leave to state to you, and request that you will lay the case before the Secretary of War, that while the officers of the army at this post are striving to prevent drunkenness among the soldiers, and are prosecuting before the civil courts various persons for selling spirituous liquors to them contrary to the law of the Territory, that Mr. BURNETT, the Sub Indian Agent, an officer of another department of the Government, is throwing his weight in the opposite scale, by appearing before the courts, and defending the persons who thus offend against the laws, and who have annoyed us so much. This conduct on the part of Mr. BURNETT, is the more surprising as his duties are somewhat connected with the military, and from his intercourse with the *garrison*, it must be known to him how exceedingly we are annoyed by the grog-shop keepers, and how much the works at this place have been

retarded in consequence of the drunkenness of the men. The Government, I presume, in giving Mr. BURNETT the appointment of Sub-Indian Agent, and sending him to this place to perform the duties of that office, little expected that he would be aiding the whiskey-sellers, and thereby opposing the exertions of the officers of the garrison in endeavoring to keep their men sober."

At this time, Mr. BURNETT was absent at Fort Winnebago on official business, and had no knowledge of what was brewing, until his return, about the first of December. On the 18th. of November, while Mr. BURNETT was still absent, Col. MORGAN, without waiting for his return, or giving him any notice of the complaint, wrote to Gen. STREET, that "A communication from Capt. MASON was yesterday forwarded to head quarters of the Western Department, with a view to be transmitted to the War Department, complaining of the course taken by Mr. BURNETT, your Sub-Agent, in defending before the courts here, persons accused of selling spirituous liquors without license. I have deemed it my duty to forward this communication in obedience to the request of Captain MASON; though I believe Mr. BURNETT in the course complained of, is actuated more by a sense of duty than inclination. I am certain he is as anxious to put down the grog-shops, which have sprung up here to our great annoyance, as any other person. He is the drafter of a petition to prevent the sale of whiskey to soldiers within the limits of this county, which is now circulating for signers. Mr. BURNETT being absent, is the reason I have addressed you this communication."

On the 30th of November, Mr. BURNETT having returned from Fort Winnebago, Gen. STREET wrote him: "I avail myself of the earliest moment after your return to hand you the enclosed letter from Col. W. MORGAN to me. Not being favored with Capt. MASON's complaint, I am ignorant of the particulars objected against you; yet I am desirous that you may be apprised of what has been doing here, during your short absence, with a view, it would seem, to operate on you as an officer of the Indian Department. I could not feel, that such a communication, to one so intimately

acquainted with your whole course of conduct since your arrival here, required an answer from me.

"In handing over Col. MORGAN's letter, which bears date Nov. 18th, I will inform you that there is evidently a mistake in the date. On the 19th of November, about 10 A. M., I was in Col. MORGAN's quarters. He informed me that he had received a complaint from Col. MASON against you the day before, the 18th, and that he was about to write you. I told him you had left for Fort Winnebago two days previous (the 17th Nov.). Col. MORGAN then said he would address me on the subject as you were absent. I replied, 'it will be useless, as I cannot get a letter to him before he returns.' I then left his quarters. On the next day I received a letter on other business, from him, properly dated the 20th November, by his servant, and on the 25th November, the enclosed letter, bearing date the 18th November, was handed to my son in the village. The mail started before 10 A. M., on the 19th, and Col. MORGAN says in his letter, dated the 18th, that he forwarded Capt. MASON's complaint 'yesterday,' which would have made the departure of the mail the 17th, instead of the 19th. Consequently Col. MORGAN must have written this letter after 10 o'clock A. M., on the 19th of November. The date I presume has been a mistake."

Such confusion in dates, casts a gloomy appearance on the matter, and tends to create suspicions that there were some misgivings of mind as to the propriety of the course being pursued. First, on the 19th November, Gen. STREET was in Col. MORGAN's quarters, when the Colonel informed the General, that he received Capt. MASON's complaint against Mr. BURNETT *the day before*, and yet the complaint is dated November 3rd. It further appears that Mr. BURNETT left for Fort Winnebago on the 17th, so that the complaint of Capt. MASON must have lain in his hands two weeks after it was written, before it was forwarded to Col. MORGAN, and that the complaint was not presented to the Colonel until the day Mr. BURNETT left, and as Mr. BURNETT in going such a distance through the then wilderness, would start early in the morn-

ing, the complaint was not probably presented till after his departure. And, secondly, it seems that Col. MORGAN sent off the complaint to Head Quarters on the day following its reception, Mr. BURNETT yet being absent; and yet Col. MORGAN seems to have been ignorant, or at least professes to have been so, of Mr. BURNETT's absence from the place. Thirdly, in the midst of this delay in one case, hot haste is seen in another, and confused dates and statements in the whole; all casting a blur over the proceedings as an honorable, open-handed matter. We can but notice the want of jurisdiction in the case, for Capt. MASON calls Mr. BURNETT "an officer of another department of the Government;" and being of another department, he was not responsible to the military officers. A military officer, or a citizen, if he had so wished, could have preferred charges against Mr. BURNETT directly to the Secretary of War, or through the Agent and General Superintendent, which would have been the usual and proper way; but to complain of a *civil* officer to a *military* one, or to arraign a civil officer before a military tribunal, is in violation of the spirit of our American institutions, and placing the civil under the control of the military powers.

On the first of December, Mr. BURNETT addressed Capt. MASON, requesting a copy of the complaint, which being furnished, is placed first in this series. From this letter it appears that Mr. BURNETT and Capt. MASON had conversed on this subject on the third of November, and the Captain promised a copy of the complaint, but had failed to furnish it. As the complaint was written at the time of its date, Nov. 3d, it is strange that as between gentlemen, the Captain should neglect to give a copy of it as he had promised, and keep it in his possession for two weeks before presenting it to Col. MORGAN, and then to present it after Mr. BURNETT's departure for a distant post on official duties.

The point at issue was, whether Mr. BURNETT, as Sub-Indian Agent, had a right to practice law in any case where an officer of the army was in any way interested. In cases before alluded to, in which the United States were interested, through their agents,

he defended the interest of the Government, and after a long delay, was paid his fee for so doing. No complaint was made for this, but when an officer of the army, on his own responsibility, has brought suit against citizens for selling whiskey without license, because soldiers were the purchasers thereof, for defending them as a lawyer, complaint is made. To prepare for the worst, MR. BURNETT addressed a note each to Gen. STREET, Col. MORGAN, the Judges and Clerk of the Court, enquiring as to his conduct in his professional duties, as well as his general deportment in his official course, to which he received the most satisfactory and flattering answers.

Gen. STREET, under date of Dec. 2d, 1832, says: "I received yours of to-day, and cannot resist the opportunity presented, to assure you of the high estimation in which I hold you, as an amiable, intelligent and honorable man; and most cheerfully do I bear testimony to the correct, prompt, and vigilant discharge of your duties, as an officer of the Government. As the Sub Agent of Indian Affairs at the agency, your official duties, when not performed in obedience to orders emanating directly from me, have mostly passed under my notice, or been submitted for my advice. The duties of this agency have been greatly increased within the last two years, by wars and murders among the adjacent tribes, and subsequent attempts on the part of the Government, to produce a general peace amongst all the Indian Nations on this frontier. The reckless course of one of the nations at war, in having wantonly killed two Indians belonging to the tribes under the care of this agency, as well as the assembling of the council at Prairie du Chien, cast upon the officers of this agency new and additional duties, tedious, difficult and laborious. But notwithstanding the personal inconvenience, the new and peculiar duties you were thus subjected to, they were performed faithfully, and I have every reason to believe to the entire satisfaction of the commissioners.

"The Indians under the care of this agency, have been fully and completely conciliated, and from being the most savage, warlike

and ferocious on the northern frontier, have become the most gentle and harmless. Since you arrived at the agency, I feel a high gratification in saying, that every official duty has been discharged by you with a faithful and untiring vigilance, that demands my most unqualified approbation. No duty has been neglected, or attempted to be evaded from personal indulgence, or professional pursuits; but a peculiar devotion to the best interests of the Government, has stamped a character on your official course, that needs only to be examined, to be appreciated in its proper light. Nor have your labors been in vain, but success has crowned them in several instances, bearing strong testimony to the faithful exercise of official duty. Residing with me as a member of my family, I am enabled to speak of you more fully as a private friend and public officer. As a man, I have found you amiable, friendly and decisive; as a member of the bar, open, candid, liberal, independent and manly.

"In regard to the particular matter of complaint, as made through Col. MORGAN, if I rightly comprehend it, Capt. MASON complains of your successful defence of citizens charged with having sold spirituous liquors contrary to the laws of Michigan Territory, not for any exceptionable management or sinister intrigue—this, Capt. MASON or any other person, I presume, would not venture to attribute to you; but for *defending them as a lawyer*. He conceives, I understand, that in accepting the office of Sub-Indian Agent, you had deprived yourself of the privilege of pursuing your profession as a lawyer, or at least of defending any citizen *charged* with a breach of the laws. In this I can only remark, we differ widely in opinion. You early applied for obtaining my consent to practice law, unless it should interfere with your official duties. As yet no such interference has occurred.

"In relation to the particular complaint, feeling no particular interest in attending the session of a county court held by two unlearned men, I was in the house only a few minutes during the term. From what I saw, and the subsequent representations of the most reputable individuals, I feel no reluctance in declaring

that your course as an advocate, was polite and deferential, though uncompromising, bold and energetic."

Col. MORGAN, Dec. 3d, 1830, says: "In answer to yours of yesterday, I have the honor to say to you, that your course at the late treaty here, and since, has been entirely satisfactory to me, both as it respects your official duties and private deportment. I have not heard any complaint of either. The point in controversy between you and Capt. MASON, seems to be, whether you have a right to practice your profession, or not. That matter can easily be adjusted by higher authority." The Judges, Clerk, and Prosecuting Attorney all testified that the course pursued by Mr. BURNETT in the cases in question, as well as generally, "was open, fair and honorable, and such as could give offence to no man whatever," as they should suppose.

Mr. BURNETT made out and forwarded to the War Department his defence against these charges, with the letters and certificates alluded to above, but heard no more from them till near two years after. In the meantime, the demeanor of Mr. BURNETT towards Capt. MASON was such, as to show the contempt he felt for the course pursued by him, at which MASON took exceptions, and sent him the following challenge, dated Jan. 9th, 1831: "Sir,—I presume from your manner on Sunday last, when I met you at Mr. BRISBOIS', that you feel yourself injured or aggrieved by *some conduct* of mine; if so, it will afford me pleasure to give you honorable satisfaction, at any time you think proper to call for it. You cannot, of course, mistake my meaning."

Were it not for the last sentence in the above, it might be easily construed to mean the "*amende honorable*," such as *ought* to be rendered by one gentleman to another. But this diplomatic double meaning so plainly shows its murderous intent in the last sentence, that no mistake could be made. But to the honor of Mr. BURNETT, he treated the challenge, as every man of high moral courage will—with silent contempt.

Hearing nothing from the complaint for nearly a year, Mr. BURNETT wrote to his friend, Hon. W. T. BARRY, to ascertain the

result ; in answer to which he was informed, that no charges had been preferred against him, though his answer to the charges had been nearly a year in the office of Indian Affairs. Here the matter rested, in *statu quo*, and probably [would have remained so, the officer to whom it was sent at "Head Quarters," most likely thinking the matter unworthy of notice ; but Capt. MASON would not yield the point so easily, and accordingly on the 8th of July, 1832, wrote from St. Louis to Major JOHN GARLAND, then at Washington, to "have a talk with the Secretary of War on the subject." And Mr. GARLAND, himself having some private pique at Mr. BURNETT, appears to have been glad of an opportunity to do him an injury ; and accordingly on the 31st of July, 1832, wrote to the Secretary of War, endorsing Capt. MASON's letter to him, which greatly enlarged the complaint, affirming that the charges were true, and urging that they might be investigated. Upon this, Mr. ROBB, Acting Secretary of War, wrote to Gen. CLARK, Superintendent of Indian Affairs. It seems that the original complaint was entirely lost, not having reached the War Department, being most probably deemed unworthy of notice. But now Major GARLAND's urging the investigation so earnestly, and yet leaving nothing to go upon but the letter of Capt. MASON, the Major added what was not true, that "the work on the new garrison was retarded by the drunkenness of the soldiers, which drunkenness occurred in consequence of Mr. BURNETT's defending the whiskey-sellers."

The complaint was now made in fact *de novo*, this being the first knowledge of the matter at the War Department, and Mr. ROBB gave it its proper direction by sending it to the Superintendent of Indian Affairs, who in turn sent it to Gen. STREET for investigation, nearly two years after the cause of complaint had occurred. No evidence was presented to sustain the complaint, except the bare assertions of Capt. MASON and Major GARLAND, both *ex parte* ; and in reply to these, had been filed in the office the letters and certificates heretofore mentioned. Mr. BURNETT did not deny the defending of those who were prosecuted for selling

liquor without license, but denied that his holding the office of Sub-Indian Agent cut him off from his professional privileges, and he denied that his defending those men was the cause of the drunkenness of the soldiers, or that the work of the garrison was retarded on that account. The defence of Mr. BURNETT, addressed to Gen. STREET, is lengthy, but as it gives items in his history of which we have no other means of knowing, and at the same time embodies an able legal argument and defence, with a correct history of the case, it is given here entire :

“SIR:—In the investigation which you are making, under the orders of the Department of War, of the charges against me as Sub Indian Agent preferred by Capt. MASON, Nov. 3d, 1830, and in his letter to Major GARLAND of the 8th of July last, and Major GARLAND's letter to the acting Secretary of War of the 31st of July last, endorsing the charges, I beg leave most respectfully to submit the following response :

“Before going into a particular examination of the case, I will say, without hesitation or fear of contradiction, and challenge a reference to all or any who have been acquainted with me in public or private, from my boyhood to the present time; that to those who have *known* and *understood* my conduct, official or otherwise, and who have no personal feeling to gratify, it needs not the formal ceremony of an investigation, and the production of testimony, to satisfy them of its general correctness, and of my disposition faithfully to discharge any duty with which I may be charged. In this case I am highly gratified that after so tedious a delay since the origin of the charges, an investigation has taken place that will lay the whole truth of the matter before the Hon. Secretary, confident that when he knows the whole truth, a correct decision will be given.

“The appointment of Sub Indian Agent was given me on the 15th of Oct., 1829, and although the salary is a mere pittance, it was accepted in consideration of recent misfortunes, and with the expectation of being able to render a situation in this country ultimately advantageous. On the night of the 2nd of that month,

I was badly crippled by the falling of the wall of a burning house in Paris, Ky., from which I shall never entirely recover, and so great was the injury received, that my life was despaired of. This too was the result of my exertions to save the property of my fellow citizens, when the whole town was threatened with immediate destruction, and where I had not a dollar in jeopardy from the flames. It was upwards of seven months before I was able to resume my business, which was now broken up from my protracted inability to attend to it. I might perhaps in time have regained it, but the necessity produced by my misfortune required an immediate supply of means, and within five days after I could walk without a crutch, I started for this place.

"Upon my arrival here, you were so fully sensible of the inadequacy of my salary to the services to be performed, that I received your cordial consent to pursue the practice of my profession, when public duty did not require my attention. I have continued to do so, under the sanction of that permission, until the present period, at no time neglecting, in the slightest degree, any official duty which devolved upon me. In this way, I have been able to render the office acceptable, which could not have been so from the salary alone.

"The first term of the County Court of this county, after my arrival, commenced the 1st day of November, 1830. At that term the grand jury found bills against SAMUEL GRIFFIN, a licensed tavern-keeper, for selling spirituous liquors on Sunday; against CHARLES LA POINTE, jun., and several others, for selling in less quantities than one quart, without licenses; and against JOHN DOWLING, a licensed tavern-keeper, for keeping a disorderly house. In the most of these cases, if not all, I believe that Capt. MASON was the prosecutor. There was no attorney attending the court, except Mr. DALLUM, the Prosecuting Attorney, and myself. I was employed by GRIFFIN and DOWLING to defend them, and the court assigned me as counsel for LA POINTE, in consideration of his circumstances. These were all the prosecutions that I defended at that or any other term of the court, and I have never been

concerned in any way, in the defence of any other prosecutions of the kind before any tribunal in this county, except a single case before a Justice of the Peace, near a year afterwards.

"There was nothing in any of these indictments, or in the proof upon the trials, which rendered my appearance in the cases incompatible with my duties as an agent of the government.— They were charges of simple offences against the laws of the Territory, without the remotest connection with the laws of the United States, or any order or usage of the Department, to which I am attached. It is true, that Capt. MASON attended the court daily, for the purpose of prosecuting the poor and ignorant inhabitants of the place, with a *host* (as he would probably say) of soldiers attending his call as witnesses, aided by the vigilance and faithful attention of the Prosecuting Attorney; and that in most, if not all, of the cases, it came out in proof upon the trial, that some soldier had participated in the act for which the defendant was prosecuted. But I know of no law, I understand no duty, which will require me to keep silence in a court of justice, because Capt. MASON or any other officer of the army may think proper to come forward and charge a citizen with an offence against the laws of the country, wholly, disconnected with my official station.

"The first intimation that I received, that the slightest exceptions were taken to my conduct in this matter, was on the evening of the third day of the court, after adjournment, when Capt. MASON showed me his communication to Col. MORGAN of that date, Nov. 3rd, 1830, which he did, as he said, to satisfy me that he had no personal feeling. I thought it strange that any one, who comprehended my duties, should entertain the views of the subject which he expressed, and requested him to furnish me with a copy of his communication, which he promised to do on the next day. At the meeting of the court on the next day, I called on him for the promised copy, and he promised it that day. That was the last I heard from him on the subject for several weeks. I left for Fort Winnebago on the 17th, under the impression that the

charges had been abandoned, as a copy had not been furnished, and as Col. MORGAN had told me that he did not agree with Capt. MASON upon the subject. On my return, I was surprised to learn that the charges had been preferred, and forwarded to the Department. I obtained from my accuser, a copy of the complaint, nearly a month after it had been promised, and two weeks after it had been forwarded, in my absence.

"I lost no time in preparing and forwarding my defence to Washington. I also sent a copy of the charges, lest they should be lost on the way. I heard no more of the matter, till I visited Washington in December, 1831, when I found that no charges had been filed in the office against me. I remained in Washington till the 20th of February, 1832, and during a portion of my stay, Major GARLAND was in the city; yet while I was there, and my defence supported by documents not to be refuted, and on file in the Indian Office, no move was made against me in the case; and a few days before I left the city, I withdrew my defence, considering it unnecessarily there.

"Capt. MASON, I believe, visited Washington in the spring, but took no steps to call up the investigation while there; but on his return to the frontier, he wrote from St. Louis to Major GARLAND, to revive the matter. This brought the matter before the Secretary of War, July 31st, 1832, for the first time. This revival of the matter, it will be recollected, after so long a time had elapsed, and opportunities, for a full and fair investigation had passed, took place when the Indian war was raging in the vicinity of this place, and the whole of both your time and mine was incessantly engaged, often in the night as well as in the day, in the discharge of paramount public duties; while Major GARLAND, snugly seated in his *Bureau*, could manage the charges, secure from the dangers or toils incident to a frontier station.

"From a subsequent letter from the Acting Secretary, of the 25th of September, 1832, it appears that the original communication of Capt. MASON to Col. MORGAN, has at length made its appearance at the Department, and the charges therein contained

can now be met. This I shall do fully and fairly ; and while I shall endeavor to correct any unjust inferences which may possibly be drawn from the very general nature of his statements, I shall not deny, evade or palliate any thing that I have done.

“ It will be perceived, that Capt. MASON does not charge me with a breach of any law of the United States, or of the Territory ; he does not charge me with disobedience of any order or instruction emanating from any authority I was bound to obey ; he does not charge me with a breach of any custom or usage of the Department ; nor does he charge me with any mal-practices in my profession. It is not pretended that any act of this kind has occurred. He makes a general charge, that cannot be referred to any law or precedent, order or custom, with which I am acquainted, for decision. He says only, “ that whilst the officers of “ the army at this post, are striving to prevent drunkenness among “ the soldiers, and are prosecuting, before the civil courts, various “ persons for selling spirituous liquors to the soldiers, contrary to “ the laws of the Territory, that Mr. BURNETT, Sub-Indian Agent, “ an officer of another department of the Government, is throwing “ his weight in the opposite scale, by appearing before the courts, “ and defending the persons who thus offend against the law, and “ who have annoyed us so much.” He concludes with a general charge of *aiding the whiskey-sellers*, and thereby opposing the exertions of the officers of the garrison in endeavoring to keep the men sober.

“ When the facts upon which the charge is founded are understood, it amounts simply to the question—have I a right, holding the appointment of Sub-Indian Agent, to practice the profession of the law ? This is the view which Col. MORGAN took of the subject at the time, and gave it as his decided opinion that I had the right. Capt. MASON represents that the prosecutions were “ for selling spirituous liquors *to the soldiers contrary to a law of the Territory.*” Now the truth is, there was no law of the Territory in existence at that time, which prohibited the selling of spirituous liquors to soldiers any more than to other persons, as a refer-

ence to the statutes then in force will prove. Capt. MASON was himself the *individual* and only *prosecutor* in the cases in question; no *other officers of the army at this post* were known to me in that attitude, nor do the records of the court show it. The whole of my practice, which he considers a breach of my public duty, took place in the *Crawford* county court, and at *one term only* of the court, and not before the *civil courts* of the *country*; and the *various persons* whom I had defended at that time, consisted of *two individuals* only, GRIFFIN and LA POINTE, and to one of them, LA POINTE, the court assigned me as counsel. The indictment against GRIFFIN, charged him as an inn-keeper, with selling different liquors on Sunday, to divers persons, whose names were unknown to the grand jury, the selling on that particular day being made an offence in a tavern-keeper by the laws of the Territory. The indictment against LA POINTE was for selling spirituous liquors without a license; and that against DOWLING was for "keeping a disorderly house." In neither indictment was a word said about "selling to soldiers." DOWLING's case came on the day after the charge was made out, the 4th, so that GRIFFIN and LA POINTE were the only ones whom I had defended at the date of the complaint. Capt. MASON makes a further general charge of defeating the expectations of the Government, in conferring upon me the small office which I hold, and with aiding the whiskey-sellers, &c.

"How far I may have fulfilled, in the discharge of my public duties, all reasonable expectations of the Government or citizens, I shall not pretend to say. I leave that for you to decide, because all my official acts, both before and since these charges, have been made under your own observation, and I am perfectly satisfied, that you would not have sanctioned, or tolerated in me a course, that could be construed into a dereliction of duty. As to the charge of aiding the whiskey-sellers, a criminal law advocate who had defended one on his trial for murder, could with as much justice, truth and propriety, be charged with being the aider of the murder. It was evident in all these cases, that they did not

involve, in any way, our Indian relations. If they had ; if Indians had obtained the liquor, or had they been riotous in DOWLING's house, I should have had nothing to do with them, or either of them. To know this for a certainty, I enquired of the Prosecuting Attorney, if any testimony connecting either case with the Indians or Indian affairs, had been, or would be presented. He said there would not.

"It has been before stated, that Mr. DALLUM, the Prosecuting Attorney, and myself were the only members of the bar in attendance at that term of the court. It would therefore seem to have been the wish of Capt. MASON, that those whom he saw fit to prosecute, should not have the benefit of counsel to defend them. But the Constitution of the country guarantees to every one accused, the right of counsel to defend him. The people of this place, however poor and ignorant, have not forfeited their constitutional privileges. This is *their* right, as well as the highest in the land. I do not pretend that the absence of all other attorneys from the court, or even the assignment of myself by the court as counsel, would have justified me in a positive breach of duty. I do not expect or wish to shelter myself under any such plea. But I do contend, that when law, order, regulations, customs and instructions are all silent upon the subject ; or, so far as they do exist, favor the exercise of my profession in the manner that it was exercised, that the circumstances of the case form a strong reason why I should act as I did.

"In support of the facts herein above stated, I beg leave to submit the documents which I once before forwarded to the Department upon the same subject, and which were on file there about fourteen months. The testimony here offered, will sustain every material fact I have stated, and is of a character not to be refuted."

Capt. MASON, in his letter to Major GARLAND of July 8th, 1832, attempts to implicate the character of the Judges and Clerk, as being notorious *whiskey-sellers*, thereby to destroy the force of their testimony as to the facts of the case. Mr. BURNETT's re-

sponse to this, is omitted as unnecessary to the question at issue. But it shows the desperate means retorted to by Capt. MASON, to gratify personal revenge, because he could not accomplish his wishes in the premises. Both Capt. MASON and Major GARLAND affirm things in their charges which are proved not to be true, in the response, but it is not deemed necessary to copy.

The determined and dogged zeal with which the two officers of the army followed Mr. BURNETT in this matter, might have been commendable in a cause demanding it; but to follow a man of Mr. BURNETT's known reputation, on a charge of so trifling and unfounded a nature, evinces a degree of venom not at all commendable in any man. Nor is it at all agreeable to the fine feelings of such a man as Mr. BURNETT, to be thus prosecuted from year to year, with no other cause for it than the revengeful feelings of disappointed pride of opinion. But the end of the matter is not yet.

On the 16th of Feb., 1833, ELBERT HERRING, Commissioner of Indian Affairs, wrote Mr. BURNETT as follows: "The charges preferred against you by Capt. MASON, your reply and the documentary evidence, have been referred to this office for examination and report. I am instructed by the Secretary of War to inform you, that he acknowledges with much pleasure, the excellence of your character, and the ability and zeal manifested in the discharge of your duties as Sub-Agent, and though he disclaims all inclination and right to interfere with the fair exercise of your professional talents, he expects and must insist upon a cordial co-operation in the officers of the Government, to enforce the laws, and punish offenders. He cannot perceive that co-operation, where an officer of Government appears as the public apologist or defender of the violators of the law. Taking it for granted, that the cases defended by you did not occur in the Indian country, and that strictly speaking, they had no relation to the Indian Department, still your defence of them has been productive of unpleasant consequences. Collision has taken place between yourself and some officers of the army; and instead of harmonious action

to promote the policy of the Government, crimination and re-crimination have been resorted to, weakening its influence and resisting its operation.

“The practice, therefore, of publicly defending persons accused of unlawfully introducing, vending or using ardent spirits, is considered inconsistent with your duty as Sub-Agent, and it is confidently trusted, that this intimation from the Department will prevent a repetition of the practice.”

To this decision Mr. BURNETT took decided exceptions, and remonstrated in the following letter, addressed to Mr. Commissioner HERRING, dated April 16th, 1833, to which he received no answer:

“SIR:—I have the honor to acknowledge the receipt of your letter of the 16th of February, communicating to me the decision given at the Department, upon the charges preferred against me by Capt. MASON. It is with much regret, that I perceive in that letter, what seems to me to be an indirect censure upon the transaction which had been made the subject of complaint, and the establishment of a restrictive rule for the future government of my official conduct. I had flattered myself, that I had shown to the satisfaction of the Department, by the testimony of those who were best acquainted with my acts, both public and private, and a reference to the only authorities to which I had ever been directed to look for the definition and regulation of my duties, that I had, in every instance, performed everything that could reasonably have been required of a Sub-Agent for Indian Affairs. And I expected, that if I were mistaken in this supposition, and it should be considered by the Honorable Secretary, that I had violated any rule of public duty, a direct decision to that effect would be given. A charge had been made against me. I had responded to it, and the cause was submitted, upon testimony, to the proper authority for decision. Either the complainant or the respondent was wrong in the position assumed, and I wished to know which; and I humbly conceive, that I was justifiable in expecting a decision upon the issue. This I have not been able

to perceive in the communication which you have addressed to me.

The information given in your letter, that it is the duty of the officers of the army, and that it is a duty in which the other officers of the Government must co-operate, to become informers and prosecutors under the municipal code of a State or Territory, is the first that I have ever received of the existence and concurrence of such a duty. The principle may be one that has heretofore been practiced upon, but I have looked in vain for a precedent. It is possible, that the circumscribed sphere of my public acts, and my limited knowledge of the practical operations of Government, have kept me in ignorance of a rule of official duty, so important in its application to the conduct of public officers.— It had been my opinion, previous to the receipt of your letter, that the civil departments of the Government, either general or local, were provided with sufficient and competent officers to administer the laws of the country, and that in that administration, the only legitimate duty resting upon the military department was, to aid the civil authorities when they should be found too weak to execute them. If in forming this opinion, I had been led into error, I trust that it will be perceived, that it is an error into which any one, with the lights before him, that I have received, would most likely have fallen; especially when it is borne in mind, that a different principle of duty is essentially variant from all obvious purposes, for the organization of either the Army or Indian Department, or any published regulations for the government of either. If the converse of the opinion which I had formed upon this subject, be correct, I would suggest the extremely unpleasant situation in which I should be placed, should it be required of me, as an act of duty, to co-operate with an officer of the Army in the prosecution of any citizen, for an alleged petty offence against the municipal laws of the Territory, in a case where it should be known, that the prosecution originated in malice or ignorance, passion or prejudice. The officers of the army are men, and being men, they are subject as others, to the influence of the

passions, prejudices and weaknesses of humanity, of which it would not be difficult to furnish examples. In making this statement, I mean no disrespect to the military. There is no one who holds that honorable profession in higher estimation than myself, or who is more sensible of the many brilliant examples of worth and talent of which the army of our country can boast. I only state a self-evident fact, for the purpose of illustrating the subject.

You observe, that the Honorable Secretary cannot perceive the necessary co-operation, "when an officer of the Government appears as the public apologist or defender of the violators of the law." Pardon me, Sir, for I must say, that *I have never in all my life appeared as either the public or private apologist of the violators of the law*. The distinction, in all common parlance, between an apology and a legal defence, is too obvious to a mind of philosophical reflection or legal attainments, to require illustration. An honest man may scorn to be concerned in the one, while he may undertake the other according to every principle of honor, virtue and morality.

You say to me, "taking it for granted that the cases defended by you, did not occur in the Indian country, and that, strictly speaking, they had no relation to the Indian Department, still your defence of them has been productive of unpleasant consequences." Again, Sir, I must beg your indulgence. I cannot perceive that it is at all necessary, that a proposition should be *granted*, the verity of which is *demonstrated* by the history and legislation of the country, and by testimony which cannot be controverted. The legal character of the country where acts referred to transpired, is established by the history and legislation of the Government. The precise nature of the transaction, is explained and made manifest by positive and incontestible testimony. But if the transaction has been productive of unpleasant consequences, I would most respectfully ask—am I chargeable with them? If any one officer of the army, or other person, shall see fit voluntarily to bring himself into collision with me, while I am in the exercise of a natural right secured to me by the laws of the coun-

try, and resort to crimination for the purpose of prejudicing my relations with the Government, can I, upon any principle of justice, be held accountable for the act, or the effects which it may produce? And can an act of mine, right in itself, justly be decided to be wrong, because it may be found to have given displeasure to particular individuals? If re-crimination has followed upon crimination, so far as it has been resorted to, it has, in my humble opinion, been fully justified by the system of persecution which has been pursued against me, and the gross misrepresentations that have been made of my conduct. It is impossible for these misrepresentations to escape the observation of any one, who will cast his eye over the charge, and the response, and the testimony in the case; and if I had tamely submitted to the fraud; if I had failed to repel the influence which it was designed to have upon the decision of the Department, I should consider myself unworthy of the trust of the Government, or the confidence of my countrymen. And yet, this gross and enormous feature of the transaction has, for aught that I know, passed without animadversion, while I am rebuked for collisions and unpleasant consequences that have been forced upon me.

I am told that these collisions and unpleasant consequences, in the production of which I have been a party concerned, have weakened the influence of the Government, and resisted its operations. I trust I shall be believed when I say, that there is no man in the country who would regret more deeply than myself, the commission of an act calculated to weaken the influence of the Government, and resist its operations. I had hoped that the Honorable Secretary was sufficiently satisfied by *proof*, that my humble abilities had been exerted to the utmost, to further the views and operations of the Government, so far as they had been made known to me. I feel conscious of unceasing efforts to render the Government my best services; and it is painful to receive this intimation, the first that has reached me from any source entitled to consideration, that instead of doing what I thought I had

done, and what I know I designed to do, my acts have tended to thwart the Government, and weaken its influence.

Without going into a detail of former years, I will state some of the hard services which I performed during the last season—a season pregnant with distress to this frontier. From my return to this agency, in the spring of that year, after a visit to my family and friends in Kentucky, until the termination of the Indian war, I underwent the most unremitting toil and exertion in the discharge of my public duties, and I feel justified in saying, there was no one in any station in this vicinity, who was not actually in the campaign, who endured more fatigue, who performed more laborious and hard service in the public cause, than I did. About the first of June, I visited, by direction of the Indian Agent, the Winnebago and Sioux villages on the Upper Mississippi, for the purpose of raising a band of warriors, to send to the aid of Gen. ATKINSON, at his request. I succeeded in the object of the expedition, and returned to this place in six days with about one hundred and fifty warriors. Soon after it was known here, that the hostile Indians had been forced to cross the Wisconsin, and were making their way towards the Mississippi, I was sent by the agent on two different trips to the Winnebagoes above this post, for the purpose of withdrawing them with their canoes to this Agency, before the Sauks and Foxes should reach the Mississippi. These measures were also successful; and although I went in company with a military command from Fort Crawford, I have no hesitation in saying, from my knowledge of those Indians, and from my observations while amongst them, that if I had not gone, the success would not have been complete, unless the Agent had attended to the business in person. I spent the whole night preceding the battle of the Bad Ax, in aiding the preparation of an expedition to be sent up on board the steamboat *Warrior*, which had just come down with information that the hostile Indians had reached the shore of the Mississippi. I visited the Menomonee camp at midnight, and collected a small party of warriors, supplied them with ammunition, and got them, with an

interpreter, on board the boat, and after wading the Marais three times, I got home and laid down at sunrise to take an hour's rest. I asked permission to take charge of these Indians, and conduct them to the scene of action, but the Agent was unwilling in the then state of affairs at this place, to dispense with my services. The expedition reached the battle-ground in time to share the victory of the day, and one of the Indians whom I sent up, was killed in the engagement.

Soon after the close of the campaign, I was dispatched to St. Louis, at an unhealthy season of the year, and at a time when the whole coast below was panic-stricken at the appearance of the cholera upon our borders, and when I returned, the pestilence was making its most dreadful ravages at Rock Island. On my way down, I communicated to Gen. SCOTT, then at that post, the first intelligence he had of the capture of BLACK HAWK and the PROPHET. By the time I again reached the agency, I was almost prostrated with fatigue. I had endured four months of the most incessant labor in the public service, at the cost of many entire sleepless nights, and during the whole of the time, the state of my health was so feeble, that under other circumstances, it would scarcely have justified the most ordinary exertion. I do not intend to make even a suggestion as to what has been the value of all these hard services, and the proportion which they bear to my compensation. I only state the facts, and in doing so, express the consciousness which I feel, that throughout all the toil and labor, I was animated by an ardent and sincere desire to subserve the best interests of my country; and that then, and at all other times, instead of contributing to "resist the operations" of the Government, I have been ready, whenever it has been intimated to me, how and where I could be of any service, in effecting any of its views, to render my best exertions and most cordial co operation. And although I have not had the fortune to see my humble name in the bulletins of that *glorious war*, coupled with the pride and pomp of the preparation, the march or the victory, or noticed in any of the details of the operations of the Department

on this frontier, either in the closet, the camp, or the field ; yet, I am proudly conscious of having done *all that was ever required of me*, and of having done it promptly and faithfully, according to the best of my poor abilities ; and if my country has derived any benefit from my labors, I am content. I know how little the publications of those times have been calculated to give the people correct information of the character of the war and its operations. Their history has been made up too much of exaggerated achievements, and concealed or palliated defaults, of fulsome adulation, and gross and unmerited censure, to give the public a correct knowledge of the transactions ; and had I have occupied a more conspicuous station, I think I should have felt as little ambitious of obtaining the frothy notices current at the time, as I am sure I do now. But what I desired, what I thought I had a right to expect, was, when I had served my country to the utmost extent which my situation enabled me to do, at the expense of a season of labor and fatigue that few men under the circumstances would endure, the humble merit of having done my duty would be accorded to me, without the censure of having contributed to resist the operations of the Government.

The rule which has been established by the Honorable Secretary for my special government in future, seems to me, with all due deference to the high authority from which it has proceeded, to be unequal and unjust in its discriminating character, and in its abridgment of my rights. I would respectfully ask, what are the reasons for establishing a principle by which I am directed to regulate my future actions, which, so far as I can perceive, does not apply to any other officer of the Department ? And if the reason cannot be found, wherein consists the justice of the discrimination ? I trust, Sir, that upon reflection, you will be sensible of the unpleasant sensations which the establishing of discriminating rules and individual applications of them, are justly calculated to excite in the mind of the public officer who is made the subject of their operation ; and that you will be convinced, that they should be resorted to in extraordinary cases only. But, Sir, I

humbly contend, that the prohibition to practice in a State or Territorial court, in cases arising under the local laws of the State or Territory, which have no possible relation or bearing upon Indian affairs, is not a legitimate restriction to lay upon an officer of the Indian Department. While I contend for this principle, I say to you most sincerely, that it is not because I think, that I should be benefitted one dollar by a change of the regulation. It is now more than eighteen months since I have been engaged in a single case embraced in the rule, and it is quite probable that few or none would again occur should it cease to operate. Since the first Monday in November last, I have been performing the duties of Prosecuting Attorney for this county, and it is not unlikely that I shall continue to perform those duties so long as I continue at this place. It is not, therefore, from any desire or expectation of gain, that I ask for a rescision of the rule, but for the reason alone, that, as it seems to me, it restricts my natural rights and privileges. HAMPDEN resisted the levying of the illegal tax, not because the payment would impoverish him, but because submission would make him a slave. While I am prohibited the privilege that has been denied me, I feel that I have been deprived of one of the rights of freemen, secured to every citizen of the country, and to every other officer of the Government. And if I may be legally deprived of this, what security is there for the others? The Honorable Secretary disclaims all right to interfere with the fair exercise of my professional talents; but what shall be considered a fair exercise of them, I cannot know until his decision shall be had. If one class of cases may be rightfully prohibited, may not another and another, until the whole shall be swept from me; and a profession which I have acquired under privations and disadvantages that few men have encountered, rendered wholly useless? I wish to be understood—I do not indulge in any present anticipations of this kind, I only extend the principle to show the length to which it will lead, if it shall be finally established, whenever it shall come to be acted upon by a less liberal head of the Department.

For the reasons which I have given, I flatter myself with the hope, that if the Honorable Secretary will do me the favor to give the case a second examination, he will perceive, that I have not merited the censure contained in your letter, and that I cannot be justly subjected to the rule which has been established for the future regulation of my duty as Sub-Agent at this place; I therefore, most respectfully ask, that he will re-consider the subject, and that I may be made acquainted with his ultimate determination.

In considering this communication, I trust that the sentiments advanced, and the manner in which they have been expressed, will not be mis-construed. They have been conceived and uttered, I assure you, with the most respectful deference, and the highest consideration for the superior authorities of the Department. I mean only to exercise in an appropriate manner, a privilege guaranteed to every citizen of the country, to every officer of the Government, the privilege of remonstrance."

While such scenes were pending, and before the final decision of the Department had reached Mr. BURNETT, it was pleasant and agreeable to his feelings, to receive the following from Dr. BEAUMONT, one of the most distinguished surgeons in the U. S. army, under date of Washington City, Jan. 7th, 1833:

"My dear Sir:—An agreeable impulse of heart, joined to a sort of compunctious state of mind for the *sin of omission*, compels me now to express my undiminished regard for one whose kind disposition, warm heart, and generous feelings, have gained the sincere admiration and esteem of myself and family, during our short but very agreeable acquaintance. It is with peculiar pleasure and satisfaction, that I reflect upon the scenes of social enjoyment, incident to our residence at Prairie du Chien, and more especially our last journey down the Mississippi, and short sojourn at St. Louis. There is indeed an abiding happy impression made upon the mind, by the manifestations of ingenuousness and magnanimity of soul, widely different from that produced by the common-place, every-day, poorly-disguised, cold, hollow-hearted, affectedness of fashionable society, of which this place is the seat

and centre, and than which nothing can be more discordant to the present state of my feelings."

It will be recollected, that at this time, 1833, the entire country north of the Wisconsin River, was unceded territory, except this Prairie. The pine timber on the tributaries of the Mississippi above this place, was, as it still is, much wanted in the new towns and settlements below; but being in the Indian Territory, the whites, without special permission, were not allowed to take it.— Judge J. H. Lockwood had obtained such permission from both the Indians and the War Department, under the supervision of which the Indian affairs were then placed, to build a mill on the Menomonee branch of the Chippewa River, he paying an annuity of some two thousand dollars to the Wabasha band of Sioux Indians, who then claimed that country. Mr. BURNETT, with some others, applied to the Department for a like permission to build a mill on Black River. The application was referred to Gen. CLARK of St. Louis, over six hundred miles from the site prayed for, and, of course, knew as little about it as those living at Washington City. But at that city, Gen. CLARK was presumed to know everything pertaining to the wilderness, and its inhabitants, even to the lakes and the Pacific ocean, and of course, all matters involving Indian rights and privileges, were referred to him.

He could no more appreciate the growth of the towns and settlements above St. Louis, than can the people east of the Alleghanies, the growth of the country west of them, and therefore saw no necessity for the measure; or if he did, he saw more in the technicalities and discipline of the agents of the Government, than in the wants of the people. His own growing city could be supplied, as it had been, and the towns above as far up as Galena, from the Ohio River, and not dreaming, perhaps, that in all future time St. Louis would grow to its present dimensions, or that by this time (1856) there would be over twenty cities on the river above St. Louis larger than St. Louis then was, with a hundred smaller towns, he decided against the application, on the ground that Mr. BURNETT was an officer of the General Government in

the Indian Department. He then withdrew his name from the company, and urged the grant in favor of the others, but the refusal was still adhered to, notwithstanding the Indians were anxious for it, because they were anxious for the annuity, for which they suffered no damage whatever.

About this time, the Indian Agent at St. Peters was talking of resigning, and Mr. BURNETT applied for the office, if such should be the case. But Gen. CLARK decided against this also, because of the charges preferred against him by Capt. MASON, the result of which has already been seen. His abilities and fitness for the office are acknowledged in the correspondence on the subject, and his claim was urged by several prominent men at Washington, some of them in the Cabinet, but Gen. CLARK took sides with the army, and any Indian Agent, and, we presume, any other person, who happened to differ in opinion from the officers thereof, could receive no favors from him in that direction.

Under these circumstances, in which he was not permitted to practice law, if in any way contrary to the wishes of any one officer of the army; nor yet permitted to enjoy the privileges of other citizens in building mills, or making such improvements in the country, he thought seriously of resigning, and returning to Kentucky, but was fortunately dissuaded therefrom by his friends.

The Indian title to the country south of the Wisconsin and Fox Rivers having been extinguished, the mines and country filling up with enterprising citizens, with a prospect of a rapid settlement, the prominent men of the country began to think of applying to Congress for a Territorial organization. And in reference to this, Judge DORTY, under date of Feb. 5th, 1833, writes to Mr. BURNETT: "The welfare of our country, it seems to me, demands that we should attempt to obtain some understanding between these distant settlements, upon the measures proper to be pursued, and the men whom we ought to support. *United*, we may effect a great deal of good; *divided*, we loose everything. It is certain, that our country is known only as the theatre of Indian wars; and it is only when danger is upon us, and the blood of our citi-

zens actually shed upon our prairies, that Congress deigns to cast an eye to our defence. The intimate and accurate knowledge you possess of public affairs, beyond any other person in your section of the country, seems to justify us in calling upon you to take a leading part in these measures; and as our purposes must be the same, it may be expected that we should be united in the means to obtain them."

The judiciary system of Michigan, to which, at that time, what is now Wisconsin was attached, was deemed to be very defective, which was considered, with other things, as a good reason for desiring a separate Government. Mr. BURNETT suggested to the Hon. M. L. MARTIN, then in the Territorial Council at Detroit, some amendments to the judiciary system, to which Mr. MARTIN answered, Feb. 6th, 1833: "It is found extremely difficult to regulate, by any general provisions, the different interests of the eastern and western sections of Michigan; especially such as refer to the judiciary system, or the proceedings in courts. I have procured the passage of a bill that I think will go far in relieving us, in cases of chancery attachment and insolvency."

In May, 1833, Gen. STREET was called to Washington to defend himself against a complaint that had been previously preferred; the main ground of which was, that by his vigilance and care of the Indians, the traders were prevented from skinning them quite so easily as some of them wished to do. This, of course, was unpardonable with those interested; but he was not removed for the offence. In the meantime, the duties of the agency devolved upon Mr. BURNETT till the 20th of June, when the General returned. Then Mr. BURNETT obtained leave of absence from the Agent for three months, to visit his friends and attend to business in Kentucky, subject, however, to the approval of the Superintendent at St. Louis. But the Superintendent curtailed his furlough to two months, that being the extent of his powers, as he alleged. Gen. STREET on being apprised of this, remarked to Mr. BURNETT, then in Kentucky, "the curtailing of your permit was, to say the least of it, in my opinion, a singular measure. It will assure you, how-

ever, that my opinion of a hostile feeling towards you is not without some foundation. I am now convinced that a similar feeling extends from the same quarter towards me. The whole of his course towards me for the last six or eight months has been strange, and his recent letters confirm me in the belief, that my course has been too independent to suit him. Neither you nor I may look that way for support. If we can get slow justice, it will be as much as we should calculate upon."

The reasons assigned in several letters for the hostility of Gen. CLARK are these : his feelings were in the interests of the Army and Fur Company,* so that if an Agent should pursue a course conflicting with those interests, he was at once marked by the General. Such things are not new, singular, or yet out of date on the frontier. Gen. STREET felt assured, that his communications to the Indian Department, were copied and given to the Fur Company how or by what means he did not know ; he could only know that they went sealed to the Superintendent, who after reading and copying *for his own use*, sent them sealed to the Commissioner of Indian affairs. The copying might have been done in the office, without the knowledge of Gen. CLARK ; but whether so or not, Gen. STREET felt assured that they were copied, from the way he had sometimes to meet from the traders, what he knew to be only in those reports to the Superintendent. The charges against Mr. BURNETT were from the army ; those against Gen. STREET from the Fur Company. The Company, however, were not friendly to Mr. BURNETT behind his back, however much so they were to his face. So says a letter now before me.

Mr. BURNETT returned to the Agency within the time, two months ; and in October, Gen. STREET left again for Washington, to meet the charges before mentioned, and not then decided, and

* On pages 243, 244, et seq. of this volume, reference is had to some vague, yet dogged determination on the part of *somebody* to break down the American Fur Company, and that *somebody* wished Mr BURNETT to aid in the matter, and send his communication to the "care of Gen. CLARK," thus rather conveying the idea, that Gen. CLARK was at least privy to the pretended plot, or transaction. But now, we are told, that Gen. CLARK'S "feelings were in the interests of the Fur Company." It would seem, that some explanation is needed, which it is not in our power to give. L. C. R.

to settle his accounts with the Department, where he continued till the ensuing April, leaving the entire duties of the agency in the hands of Mr. BURNETT. In consequence of the amount of service required, Mr. BURNETT applied to the Department through Col. R. M. JOHNSON, to be allowed pay for an interpreter \$400, through which means he would receive a compensation more commensurate with the amount of services rendered, and the responsibility resting upon him. But Mr. HERRING, the Commissioner of Indian Affairs, Dec. 18th, 1833, replied: "It is conceded, that Mr. BURNETT is a valuable officer, and that his salary is an inadequate recompence for his services. But the standard has been determined by an authority to which the Department must bow, and the Secretary of War is precluded from the exercise of discretionary powers in the case." This terminated his attempts to obtain office, or an adequate compensation for the services he rendered in the one he had in the Indian Department.

On the 30th of June, 1834, the act for re-organizing the Indian Department was passed in Congress, by which Mr. BURNETT and all other Sub-Agents were legislated out of office; but few of whom were re appointed. And on the 2nd of July, Mr. HERRING, by direction of the Secretary of War, wrote to Mr. BURNETT, giving an extract of the law, and directing him to render his account for salary, as his services in that Department were no longer required; and concluded by saying: "I am directed by the Secretary of War, to tender his acknowledgments to you for the zealous and faithful performance of the duties of your office, and I will thank you also to accept the assurance of my high respect." He received this note on the 6th of August, when he wrote to Mr. HERRING to know to whom he should render his accounts, as no directions were given on that point; Gen. STREET ceased to be an Agent at the same time at Prairie du Chien, by being removed to Rock Island, and no one had yet been appointed to fill the Prairie du Chien vacancy.

Before sufficient time had elapsed to receive an answer, he wrote August 30th: "Sir:—In your letter of the 2nd July last,

you direct me to render my account for settlement, up to the date of the reception thereof. Gen. STREET arrived at this place a few days since, and informs me, that he has not received any funds for the payment of my salary, due since the 31st of December, 1833; and that he has not been advised whether the money will pass through his hands or not. There is now due me on account of my salary from the 1st of January, to the 6th of August, 1834, inclusive, \$300. Will you be so good as to inform me when and where I am to receive this money? Whether it is to be paid me in the usual way, or whether I am to roam from office to office, until I shall find some person authorized to settle and pay my account; or whether it is the intention of yourself, the Hon. Secretary of War, and his privy counselor GARLAND, to construe me out of it altogether."

In this apparent hot haste, Mr. BURNETT would hardly have been justifiable, were it not that the circumstances as heretofore detailed, and especially the non-attention of the Department to his charges against Major GARLAND, for preferring which his dismissal was determined on, whether the law passed or not, indicated a degree of neglect on the part of the Department, very trying to his patience. Still it must be admitted, that the time was short, after the passage of the act new-modelling the Indian Department, and also the appropriation act, and the money had not had time to reach the distant posts on the frontier. But the Commissioner might have informed him in very few words, in what way the money would reach him. Possibly it was an oversight in the hurry in which the sub-Agents had to be apprised of their dismissal from office. On the 8th of September, however, the Commissioner writes: "I have received your letter of the 6th August. Funds to defray the expenses of the Prairie du Chien Agency for the first half-year, have been sent to the Superintendent at St. Louis." But this left him in suspense, whether he should go to St. Louis for it, or whether it would be sent to him; and it left \$50 non-provided for, as the half year would only give him \$250. He was relieved from this suspense in a few days by the receipt

of a letter from Gen. CLARK, dated September 13th, saying, "I have recieved to-day your letter of August 30th, and of the 2nd inst., on the subject of your pay, and of your fees, as counsel in the case of BURNETT *vs.* STREET and KEARNEY, the defendants being sued as the Agents of the Government, and of course, the Government should pay the expenses, &c. On the 30th ult. Gen. STREET was informed of the amount allowed the Prairie du Chien Agency, for the first and second quarters of the present year. Your pay up to the 31st of July is embraced in it, amounting to \$291.67. This as well as the other sums specified in the allotment, will be, as usual, paid over to Gen. STREET, whenever called for, to be by him applied to the payment of the objects for which they are intended. No communication has been made to me from Washington, on the subject of fees for counsel in the cases you have mentioned. It were, perhaps, advisable that you write direct to the Commissioner of Indian Affairs, requesting him to pay you whatever has been allowed for your services in those cases."

Gen. STREET at this time, was Agent at Rock Island, two hundred miles below Prairie du Chien, nor was it certain when Gen. STREET would receive the money, nor whether it would be sent to Mr. BURNETT, or whether he must go for it. The sum allowed was more than his half year's salary, but some nine dollars less than was due him. This jewing a public servant out of such a pitiful sum, was a small business for a great nation; but such seems to be the way of the world. As to his fees, he had written to the Department again and again, and was informed that the matter had been *referred to Gen. CLARK*; but the General says, "he had received no communication" on the subject, and when great men and rulers of the nation make such contradictory statements, whom are we to believe in such matters!

This terminated Mr. BURNETT's connection with the Indian Department, and his connection with any office in the gift of the Government; nor was his experience calculated to inspire him with any great degree of confidence in the "spoils" theory of the party in power, as his share of them was but small, and doubly

earned before he received them. * * * * As soon as it was known, that he was thus displaced from his office, his worth now being known through the country, he began, and continued for some time, to receive voluntary and strong expressions of sympathy, and the confidence of the public in his merit, a few of which will follow.

August 16th, 1834, Judge DOTY wrote him from Mineral Point: "After a long conversation with Mr. ANSLEY, I have, at his request, concluded to suggest to you, the propriety of fixing your residence at this place, now that you are no longer required in the Indian Department. It is certainly a fine opening for a lawyer. You will, in addition, have the advantage of a good understanding with the people now, for everybody that I speak with, thinks well of you. It appears to me you ought to avail yourself of these circumstances. Your friends wish to have you appointed District Attorney, and I think you must take it, because I think there will soon be a vacant judgeship in the District, and this will enable us to help you to it, if it should be desirable to you."

On the 28th of August, ROBERT DOUGHERTY, then clerk of the Circuit Court at Mineral Point, wrote: "The people in general in this section of the country are very anxious for you to come and reside with us. We have got up a petition to the Governor with almost a thousand signatures, which will be sent on to-morrow morning, in your favor for District Attorney. Every man that saw it, signed it."

Sept. 4th, Col. R. M. JOHNSON wrote: "My dear Sir:—I sincerely regret to learn that you are out of office. I know your capacity for such a place, and the sacrifices you have made.—You know quite as well as I do, the uncertainty and difficulty of obtaining office. All I can say is, that if an opportunity offers at the next session, I shall be ready to serve you sincerely, as I have always done."

Sept. 5th, ALEXIS BAILEY, Esq., writes from St. Peters: "I always feel a pleasure when I hear from my friends. But this letter of yours made me feel the truth of the fable of the fox in the

bramble, that an equal portion of the bitter is mixed with the sweets of this life, and that perfect happiness is unattainable in this world. I feel for you in the *mode* taken to thank you for your services. The *manner* in which it was done, conveyed one of those cutting slurs, the more so that one does not or cannot obtain satisfaction. But, my dear Sir, our Government is a Republic, and where did you hear of one being grateful? You are young, and can do better; your profession and abilities entitle you to a higher sphere than the one you were in."

Oct 12th, Major T. ALLEN, of Ky., wrote: "I regret exceedingly to learn that arrangements have been so made as to displace you from the office you held; however, make no complaint, and suffer it to pass off silently. You have been placed in a good situation, by the appointment, and I have but little doubt you will not feel the loss of it long, if at all."

Being now released from the cares and responsibilities of office, and being yet in the unpleasant relations of a married man without a wife, he returned to Ky. to spend the winter, and also obtain relief from the legal bonds in which he was held to the woman who had deserted him in the time of his calamity, from the fall of the burning building in Paris, Ky., in 1829. On his way there, while between St. Louis and the mouth of the Ohio River, the boat on which he took passage was snagged and sunk to the hurricane deck, leaving that deck but just out of water. The occurrence took place in the night, when the passengers were asleep; they escaped to the upper deck, mostly in their night clothes, where they remained in a snow storm till morning, being without fire, and but poorly clad, or otherwise sheltered from the stormy wind and driving snow. There were several women and children among them. The most of the passengers, Mr. BURNETT among others, lost all their baggage, and some their money. In the hurry of escape from the rushing flood that came into the cabin, Mr. BURNETT had caught his clothes and his cloak, but not his trunk. But finding some ladies and children exposed, without any protection from the storm, he gave them his cloak, and kept him-

self warm as best he could, by walking and other exercise. In the morning they succeeded in reaching the land, in a thick wooded bottom on the Illinois shore, where a log-heap fire was soon kindled, around which the passengers and boat's crew gathered to warm, but were without food, and not within reach of a house from which supplies could be obtained. They remained in this situation till near night, when they were relieved from their sufferings by a steam-boat that was passing down the river.

The nature of the case between him and his recreant wife, and the ground upon which the divorce was granted, are set forth in the following certificates, sent to him a year or more after the divorce was obtained. At the time of the divorce, he knew not that he should ever again enter into the marriage state. And distant as he was from the place of his marriage; and the residence of his wife, he might have done as thousands of others have in the great West, married again without the formula of a divorce; but his sense of propriety and legal liabilities forbade such a breach of the civil and moral law. And the fine feelings of his nature as well as his sense of the propriety of the thing, induced him to obtain these papers, to show that his way was clear and his course honorable, if he should again see fit to enter into that holy relation. After he came to this country, his correspondence shows that he preferred to forgive the past, if she would return to him, but she refused.

The first of these papers is from the HON. CYRUS WINGATE, who, Mr. BURNETT says in a note added to it, "has for many years in succession been a member of the Ky. Legislature, and is a worthy and highly respected member of the Methodist Church." It is dated April 17th, 1836, but referring, as it does, to a transaction in 1834'5, this is deemed the appropriate place for it. The letter says: "The bill which divorced you from your wife Lucy, was reported from the House of Representatives to the Senate, on the 10th of Feb. 1835, and was referred to the "committee on Religion," on the next day. I had the honor to be chairman of that committee for several years, and was so at the time when

your application was investigated. For twelve years in succession I have been honored with a seat in the Legislature of Ky.; and during that time, as a general thing, have felt it my duty to oppose applications for divorce. Indeed such has been my course on those subjects, that I have been considered by many as being too rigid in my inquiries, and examined too closely into the domestic relations; this may be true, but I feel that I have done my duty in relation to your application.

“I recollect distinctly, that intelligent and honorable men were examined before the committee, and the result was the firm conviction of my mind, (and I believe of every member of the committee,) that your bill ought to pass. And in obedience to the order of the committee, I reported the bill back to the Senate on the 13th, with an expressed opinion of the committee, that the bill ought to pass; and the rules being suspended, the bill passed, I believe, without a dissenting voice. I can say, without fear of contradiction, that during the pendency of your application, your conduct was dignified, honorable, and manly; and that you not only sustained the character of a gentleman of nice feelings, and a just sense of honor, but that you occupied a place in the sympathies and affections of all the members of the Legislature, with whom you became acquainted. And I further know, that your character in Bourbon was such, as not only enlisted Gen. MATRON, Mr. THORNTON, and Mr. DAVIS, in your behalf; but it also procured for you the application of the near relatives of the woman you were married to, for your release; and upon the ground that she was in default entirely and exclusively; and I will further add, that so far from your reputation having suffered, or in the least degree been prejudiced, by this procedure, it must have suffered if you had not applied.”

The next paper was from the Hon. GARRET DAVIS, of April 3d, 1836: “I managed Mr. BURNETT’s application for divorce. He took this step with the knowledge, approval and co-operation of his wife’s brother and brother-in-law. The ground of it, sustained by proof, was, that her conduct, and treatment of him generally,

and particularly when he was confined by the fracture of his leg, occasioned by the falling of a house during a fire, was marked by nothing but extravagant neglect and aversion; and such was the fitfulness and malevolence of her disposition as to forbid all hope of harmony with her. His case was so well made out as to meet with no opposition.

“When Mr. BURNETT came to Paris, he was a stranger, and opposed in politics to a large majority of the town and county. He was open and decided, though temperate and respectful in his political course, and though in the first few months of his residence amongst us, his politics awakened some prejudice against himself, his discretion and the propriety of his conduct overcame them, and when he left us he had the respect and good wishes of our society, without distinction, and I believe that he merited them.”

The correctness of the statement of Mr. DAVIS was certified to by JOHN R. THORNTON of the Senate, and ROBERT MATRON of the House of Representatives. Similar papers and of similar import were signed by Dr. G. NICHOLS, of Shelbyville, Ky., “an exemplary member of the Baptist Church, and long at the head of his profession in that town.” And also by the Rev. A. A. SHANNON, of the Presbyterian Church of the same town. But it is deemed unnecessary to copy them. The main facts being thus established by six of the most prominent men of the country, political and religious, no doubt need remain on any mind, as to the propriety and justice of his course, in this solemn and afflictive matter.

The subject of a separate Territorial Government, from that of Michigan, heretofore alluded to as in contemplation, was still growing and maturing, with the leading men of the country lying west of Michigan. Judge DOTY was in the Legislative Council at Detroit, and by a letter from him to Mr. BURNETT, dated January 3d, 1835, it appears that in accordance with measures concocted in Wisconsin, and especially Crawford county, a bill was introduced into the Legislative Council to provide for a State Government on the east of that Lake. The object was to have the State Gov-

ernment formed, leaving the Territorial Government on this side of the Lake. The bill met with opposition, because it originated in Wisconsin, and the men of Michigan saw that if it passed, they would be indebted to Wisconsin for a State Government. But the bill passed, and a Convention was called, and a Constitution adopted.

The prospect of a speedy separation from Michigan, prevented the passage of a law to establish a District Court west of the Lake, for a while. But a question arose as to the residence of Judge IRWIN, who, it seems, resided in Ohio or Virginia, except when attending courts in the Territory. The people of Green Bay deemed the office to be vacant, on account of non-residence, and petitioned the President to appoint one in his stead; and Mr. BURNETT's name was presented to the President to fill the vacancy. The vacancy was not recognized, and the appointment, of course, was not made. But Mr. BURNETT was appointed in January, 1835, District Attorney for the counties of Crawford, Iowa, Dubuque and Des Moines.

In the summer of 1835, the formation of a State Constitution for Michigan, and the expectation of admittance into the Union, induced the people to be on the lookout for a Delegate to Congress, and for a transfer of the Territorial Government of Michigan to Wisconsin, without an act of Congress to authorize it. Those who are conversant with the history of Michigan becoming a State, will recollect that the people acted without law or precedent, in forming and adopting their Constitution, without first obtaining an act of Congress authorizing them to do so, and of the same piece of policy and law, was the attempt to transfer the Territorial Government from the east to the west side of Lake Michigan. The latter, however, was not recognized by the General Government; while the former was, and other States, following the precedent, have been admitted into the Union in a similar way.

But to save appearances, and obey the forms of law, it was agreed on the two sides of the Lake, that the Delegate to repre-

sent the Territory should be elected on the west side, leaving the peninsula to form a State Government, and be represented by their Senators and Representatives in Congress. While this was arranging, Mr. BURNETT received numerous letters, which I find on file, urging him to be a candidate for the Delegation.

One arrangement in this transferring the Territorial Government to Wisconsin, was to apportion the whole of the thirteen members, among the counties west of the Lake. This being done by Gov. S. T. MASON, those counties elected their Councilmen, among whom was Mr. BURNETT from Crawford. The reason assigned for this movement, as stated in a letter now before me, dated July 10th, 1835, from a prominent actor in the business, is in these words: "You will perceive by this, that it is our intention to continue the Territorial Government of Michigan in force, without any further legislation by Congress, and this is the result of all my exertions last winter, because I am satisfied, that it is the only way in which we can get a separate Government, until the boundary question shall be settled." This boundary question was between Ohio and Indiana on the one side, and Michigan on the other; and carried with it the boundary question between Illinois and Wisconsin, and, as in most cases, the weaker party was compelled to yield up their rights to the illegal claims of the stronger, in open violation of the ordinance of 1787, which run the line due east and west, from and through the southern extremity of Lake Michigan. But the whole scheme of the transfer of the Territorial Government was a failure.

Mr. BURNETT attended the summer terms of the courts in which he was District Attorney. But finding "it inconvenient and unpleasant" to continue in the office, on the 10th of September, 1835, he tendered his resignation to Gov. MASON.

The election of Delegate to Congress and members of the Territorial Council, was held on the 1st Monday of Oct., 1835, when GEO. W. JONES was chosen Delegate from Michigan, and Mr. BURNETT, among others, was elected to the Legislative Council, to meet at Green Bay. The Council met at the appointed time in

December, but the new acting Governor of Michigan not appearing, as was expected, there was not much of importance done by it. Mr. BURNETT was chosen President of the Council, but as no Governor was on hand, no message presented calling attention to important subjects for consideration, the members present had an opportunity to pass resolutions implicating the acting Governor for neglect of duty. Why acting Gov. HORNER did not meet the Council at the time and place fixed upon, has not, I believe, been made public. Some supposed that he was advised from Washington, that the whole proceeding was without the authority of law; but from a letter from Col. JONES, then the Delegate from Michigan, dated at Washington, Feb. 20th, 1836, it appears that Mr. HORNER "dreaded the journey" from Detroit to Green Bay, in dead of winter, "as he admitted" to him.

It appears from the correspondence of Col. JONES with Mr. BURNETT, that the Council passed resolutions censuring Gov. HORNER for non-attendance, and resolutions touching Gov. CASS in relation to Indian Treaties. These resolutions implied blame, or at least something that needed explanation. There were also speeches made by Mr. BURNETT, and others, but especially by him, implicating Gov. CASS' administration of Indian Affairs while Governor of Michigan, and even after his elevation to the head of the War Department. Whether these charges were well or ill founded, I have no means of knowing. I can only say, that on this frontier, I have found those who think that they were, while others are of a different opinion. The speeches made while the resolutions were under discussion, were printed in the newspapers of the time, and were reiterated and elaborated in a series of numbers afterwards printed in the *Galena Gazette*, over the signature of *Wisconsin*, all of which, it seems, found their way to Washington and called forth expressions of regret from Cols. JOHNSON and JONES, and a kind offer of mediation from Gov. DODGE, in which he used the language of Gov. CASS in reference to Mr. BURNETT, all of which were in terms of the highest respect for Mr. BURNETT, and the matter seems to have been dropped here.

We may add, that the Council not being properly organized, the resolutions, of course, did not possess the *prestige* of legality. But it seemed, from what followed the publication of those numbers in the *Gazette*, that there was some foundation for the charges implied in the resolutions, and which were amplified and sustained in the numbers alluded to. For in a letter now before me, from an officer of the army of some rank, dated May 11th, 1836, at Natchitoches, I find the following: "I saw your No. 1, for the first time this morning in a *St. Louis Republican*, taken from a Galena paper. But my dear fellow, have you no conscience, that you put it to our talented and literary Secretary so unmercifully? If you fail to make an impression, then set it down as established, that honesty goes for nothing when in contest with political power. Some of us have had strong suspicions on this point before now."

And before the close of the publication of these numbers, Mr. BURNETT received a polite intimation from Washington, that he could have any appointment at the disposal of the Department, it being understood, though not expressed, that their publication should cease. But this intimation was viewed by Mr. BURNETT in the light of a bribe, and he said, that if he was not entitled to an office from *merit*, he should not accept of one as a bribe, to be silent on matters of public interest, when exposure of political or other corruption, seemed to be a duty.* Those numbers, so far my knowledge goes, are out of print, unless some one has an old file of the *Galena Gazette* for 1836.

* This "intimation" of a bribe from Washington, would seem to hint that it emanated in some way from Gen. CASS, as the newspaper strictures referred to him. From the vague assertions of Mr. BRUNSON, we respectfully suggest, whether in defending the dead, our friend may not, in his zeal, have done injustice to the living? What the charges were, we are not told, except that they, in a general way, implied some blame against Gen. CASS, connected with Indian treaties, both while Governor of Michigan Territory, and since his administration of the War Department. But Mr. BRUNSON himself candidly admits, that "whether these charges were well or ill-founded, I have no means of knowing," and adds, "I can only say, that on this frontier, I have found those who think that they were, while others are of a different opinion." Col. R. M. JOHNSON and Hon. G. W. JONES "regretted" that such charges had been made, and, Gen. DODGE could not have believed them, or he would not have offered his friendly mediation in the matter. For Gen. CASS to have "intimated" a bribe, would have implied guilt; and no one, we can hardly suppose, would seriously entertain even a suspicion of his having knowingly wronged either the Government or the Indians.

Among the acts and doings of the Council, were memorials to congress, to organize the Territory of Wisconsin, whether Michigan became a state or not, and to the President, in reference to the officers of the Territory, praying that the offices thereof be filled by citizens of the Territory, and not by men of other States, who would come to the country for the sake of office, and not without; claiming that competent men could be found already in the country, who came here to reside, whether in office or out of it. It was expected that Gen. DODGE, who was, and yet is, a citizen of the country, would be made Governor. And it was reported that the Secretary of Michigan had the promise of a transfer to Wisconsin in the same office; but against this, the Council protested in the strongest manner, and solicited the appointment of Mr. BURNETT to that office. The report and resolutions of the Council, on this subject, were conveyed to Col. JONES at Washington by COL. HAMILTON, and were immediately laid before the President.

Col. JONES says: "I proceeded in *propria persona* to the President, presented the document to him, and endeavored to impress upon him the propriety of granting the prayer of the Council." Col. JONES further says, in a previous letter, dated Dec. 22d: "I have but one course to pursue, and, first, my feeble efforts will, in all cases, be made to have appointed citizens of our own Territory. From amongst these, I will endeavor to have those appointed, who I honestly believe to be best qualified, everything considered, to discharge the duties of the office to be filled. As to the office of Secretary, I know of no person who is an applicant for the place, that I believe to be so well qualified to discharge its duties as yourself, and I have no doubt, if justice is done to the people interested, but that you will receive the appointment." . If the Secretaryship could not be obtained, Mr. BURNETT desired a judgeship, and for one of these offices, his friends in Congress, such as JOHNSON and JONES, and through them BENTON, LINN, WRIGHT, TALLMADGE and many others, earnestly contended. But perhaps there never was a greater scramble for the offices of a

Territory than in this instance. It was the first Territory organized under the administration of Gen. JACKSON, and his friends, or at least many of them, were disposed to avail themselves of the opportunity now offered, to get some office.

Col. JONES says, under date of March 13th, 1836, while the bill to organize to the Territory was pending: "The President told me the other day, that there would be a thousand applicants for the offices of our Territory. There is scarcely a day that I am not asked for my feeble influence in favor of some rascally office-hunter from this District, or some State. I assure you, that I have become so disgusted with the hungry wolves, that I cannot treat them with common civility. I hate the sight of them, and look upon them as *robbers* of the dearest rights of my constituents. We ought to drive them from our soil, if they succeed in stealing our offices."

But notwithstanding all the efforts made in favor of citizens of the Territory, the offices were mostly filled by those from other States; and as a reason for this, Col. JONES says, Apr. 18th, 1836: "I go for Wisconsin and her citizens before the world. But, Sir, we have no votes to give for President, and are not worth pleasing. These office-seekers are strongly recommended, and it is a difficult matter, as the President told me, to get over the importunities of his numerous political and influential friends, who have their friends to please." It is possible, if not probable, that Mr. BURNETT would have been more successful in his application for office, if he had been less independent, and allowed what he considered to be corruption in high places, to pass without his caustic strictures upon it.

As early as March, 1836, the incipient steps were taken at Detroit, to form the *Four Lake Company*, with a view to secure the site, and lay out a city, which should afterwards be the capital of Wisconsin. Several persons were associated with Govs. MASON and DOTY in this enterprise, one of whom was Mr. BURNETT. The country being then unsettled from the Blue Mounds to Milwaukee, and but little explored, measures were taken by some of the com-

pany, to ascertain the practicability of the measure, and the land was entered and a city laid out, which was afterwards christened *Madison*.

Early in April, 1836, acting Gov. HORNER had moved to Wisconsin, expecting to hold the same relation to Wisconsin that he had held to Michigan. The bill to organize the Territory of Wisconsin had not yet passed Congress. Michigan had assumed to be a State, and was expecting to be admitted into the Union; but the spirit of the times, and of the dominant party in politics, was of the progressive character, and those who felt most interested, were impatient at the tardy movements of Congress, and were still anxious to move the Territorial Government of Michigan to Wisconsin *nolens volens*. Accordingly, Gov. HORNER, then at Du-buque, (Mr. BURNETT being there at the same time,) addressed the following to Mr. BURNETT, April 8th, 1836:

“SIR:—As the Executive of Michigan Territory, I desire your opinion on this point: Can I convene the Legislative Council of Michigan Territory at any other place than Green Bay? If I can, will it suit your convenience, as a member of that Council, to attend in the next two months, at a convenient place within the Mining District? I should also be glad to know, whether you desire a session of it.” To this Mr. BURNETT answered as follows: “In answer to the first question proposed, that is, whether you can convene the Council at any other place than Green Bay, I will state what took place during the session of January last relative to that subject. Near the close of the session, a resolution was introduced, requesting the Governor of the Territory to call the Council together at some further day, and at a different place. Upon this resolution a discussion arose, and the measure was opposed by some, upon the ground, that the place for the assembling of the Council having been once designated by the competent authority, it was then fixed, and must remain so until it should be changed by law. It was contended, that the power vested in the Executive by the act of 1835, (of Michigan, making Green Bay the place of meeting,) was not a continuing power, to be exercised

at will, by changing the succeeding meetings of the Council from place to place ; but that when it had been once exerted, the authority was exhausted, and could be renewed only by subsequent legislation. The subject was one upon which I had not previously reflected, and the arguments, by the opponents of the measure, had not before occurred to me, and I was not prepared readily to admit the conclusions to which they brought the minds of others ; they, however, prevailed with a decided majority, and the measure was defeated by an almost unanimous vote. Whatever my present opinion may be upon the *legal* principle involved in the question, it seems to me to be of very little consequence, as I am persuaded that unless other members have changed theirs since the close of the session, a quorum could not be obtained, who think that the Council can be legally convened at any other place than the one first designated under the law.

“As to the inquiry, whether it will suit my convenience to attend a session, &c., I will remark, that, in the discharge of any public duty, I have ever made my personal considerations yield to the emergency of the case ; and that in as much as it is not my privilege to have public measures shaped with a view to suit my individual wishes and convenience, it is not my expectation that they should be so ordered.

“In reply to the last question proposed, I will say, with all due deference and respect for the Executive, that it seems to me, that my individual wishes either for or against the assembling of the Council, ought not to have more weight and influence in directing the action of the Governor, than those of any other citizen of the country. The Governor will, I presume, exercise his discretion upon the subject, and judge of the expediency of the measure proposed, from the exigency of the times, in reference, as well, to the domestic affairs with the General Government.”

This, so far as I am advised, was the last attempt to keep alive the Territorial Government of Michigan in Wisconsin. On the 20th of April, 1836, the act organizing the Territory of Wisconsin was approved, and took effect on the 4th July of that year.—

Things now began to operate in a more legal form than before.— The Secretary of the former Territory was made Secretary of this, and until the arrival of Gov. DODGE was, as he had been in Michigan, acting Governor. Under the new organization, new officers, a new Delegate to Congress, and new Councilmen and Representatives had to be chosen; and, as on former occasions, Mr. BURNETT was the choice of numerous friends. A strong effort was made to get his name before the people as a candidate for Congress, but this he declined.

The organic law of the Territory authorized the Governor to cause a census of the different counties to be taken, and to apportion the thirteen members of the Council and the twenty-six members of the House of Representatives, "among the several *counties*," "as nearly equal as practicable." The people of Crawford county, where Mr. BURNETT resided, understood this law to give each county a representation in *each house*. But the Governor understood it otherwise, and apportioned the members of the Council among the counties that had a larger population than that of Crawford, giving the latter two members of the House, but no member of the Council, nor attaching the county to any other so as to form a Council district, or affording the people an opportunity in any way to vote for a Councilman. Upon this state of the case, the people claiming to be entitled to a representative in the Council, unanimously elected Mr. BURNETT to that place.

The election being over, Mr. BURNETT wrote to Gov. DODGE, October 17th, 1836, as follows: "Sir:—You will perceive from the Sheriff's return of the election held in this county, that the people have unanimously elected me to the Council in the Legislative Assembly of the Territory. As the act for establishing the Territorial Government provides, that "the number of persons authorized to be elected, having the greatest number of votes *in each of the said counties* for the Council, shall be declared by the said Governor to be duly elected to the said Council," the question is submitted to you, whether you will declare me to be duly

elected to the Council, according to the vote of the county. It is hardly necessary now to go into an argument of the case, but I may be permitted to remark, that the organic law evidently was intended to, and does most fully, so far as positive enactment can go, secure to the people of *every* county, the equal rights of suffrage and representation with their fellow-citizens in other parts of the Territory. The people of this county have elected one member to the Council, which is the *least* they could do, to have any representation in that body. That number seems most clearly to me to be authorized by law, to be elected, and proper to be so declared by the Executive. I am well aware of the difficulties of the case, as it now stands," (there being thirteen members elected, besides Mr. BURNETT,) "and it is not for me to make suggestions as to the course proper to be pursued by the Executive, under the present circumstances. I only ask, in the name of the people of an entire county, what they and I are perfectly convinced is our lawful right, and that the member chosen by them with one voice to represent them, may be officially declared to be duly elected."

It is a question which I leave to others to decide, whether the trouble in this case, grew out of the wording of the organic law, or out of the Governor's mis-application of that law in making the apportionment. There were at that time but six counties in the Territory among which to apportion the thirteen Councilmen, and the twenty-six Representatives. The organic law seems clearly to contemplate, that each county would contain a sufficient population to entitle it to at least one member of the Council, and one or more members of the House. But on taking the census, it was found, that Crawford county did not contain one thirteenth part of the population of the Territory. It seems, further, that the organic law made no provision for attaching two or more counties together, so as to constitute a Council district. Here was a lameness in the law, which the Governor, it seems, thought he had no power to remedy ; but apportioned the members of the respective houses, as nearly in proportion to the inhabitants as

possible, under the circumstances. No one can justly impeach the motives of the Governor. He certainly could have had no intention to wrong the people of Crawford county, for he gave them two members of the House, which was more than their proportion according to population. But still the law, though enacted under a mistaken view or opinion as to the population of the several counties, most clearly contemplated giving each county at least one Councilman, as well as representatives. The apportionment, however, was so made as to give the 13 members to the other five counties, and without attaching Crawford to any other county for this purpose.

Under these circumstances, the Legislative Assembly met at Belmont, in Nov. 1836, when Mr. BURNETT presented his claims and certificate of election, demanding a seat in the Council. But the trouble, in case he was admitted to a seat, was, that there would then be fourteen instead of thirteen, and no one knew which of the others must retire to give him room. The Council had not the apportionment of its own body previous to its first meeting, and if the Governor had erred in the apportionment, the Council had no power to correct the error; and the result was, that Mr. BURNETT was refused a seat in that honorable body. All the proceedings in this case, will be found in the journal of the Council of that session.

At this Belmont session, and in organizing the Territorial Government, Mr. BURNETT was nominated by the Governor, and confirmed by the Council, as District Attorney for Crawford county, and on the receipt of the commission therefor, wrote the Governor as follows, from Prairie du Chien, Dec. 17th, 1836: "Sir:—I was, on this day, handed a commission appointing me, by and with the advice and consent of the Legislative Council, District Attorney for the county of Crawford. I take the earliest occasion to inform you, that I decline accepting the appointment, that you may take such steps to fill the office as may be deemed expedient. Believing, as I do, most sincerely, that the Council was not legally organized, and that it had not, therefore, the lawful

authority to perform any valid and binding act, I cannot, consistently with these opinions, assume an office that has been conferred by the action of that body. It is proper to state, that my name was presented for the appointment, without any knowledge or consent on my part."

The people of Crawford county, not being satisfied with the apportionment of the Council, petitioned Congress for redress; the petition being sent to the care of the Hon. JOHN QUINCY ADAMS to be presented, and Mr. BURNETT wrote that eminent statesman a letter, explaining the matter, and urging the favor of his influence in their behalf. But it seemed that nothing was done in the premises. In the circumstance of Mr. BURNETT's addressing that great statesman on this subject, we see the impropriety of any one's taking ultra measures in political matters. It has been seen, that Mr. BURNETT was an original JACKSON man, and of course was an opponent of Mr. ADAMS. And those who recollect the spirit, as well as the means, used in that contest, would hardly think it possible, that a JACKSON man would ever ask a favor of Mr. ADAMS, under any circumstances. But in the circumstances herein related, under the administration of the man whom he had helped into office, Mr. BURNETT had not received what he deemed equal and impartial justice; and to obtain this, he addresses the the very man whose election he had opposed. I do not mean to be understood as saying, that Mr. BURNETT changed his political views, as a JACKSON democrat, but simply, that it is unsafe in political contests to condemn or consign those of an opposite party to oblivion, for circumstances may so change, that we may agree on public measures, or we *may* be glad of their favor and assistance in subsequent cases.

On the 29th day of Dec. 1836, Mr. BURNETT was married to Miss LUCIA MARIA BRUNSON, my second daughter, and in the spring of 1837, he removed to Cassville, in Grant county, Wisconsin. He changed the place of his residence, to be more central to his professional business, which was now greatly extending, not only in the western counties of what is now Wisconsin,

but also into what is now Iowa, in Dubuque, and even into Des Moines county.

Early in the year 1838, the subject of the election of a Delegate to Congress from Wisconsin Territory was agitated; and Mr. BURNETT was not only consulted as to the measures proper to be pursued, but was strongly solicited by his friends, on both sides of the river, to suffer his name to be used in the contest. But before preliminaries were arranged, Congress divided the Territory, and organized that of Iowa out of the portion of Wisconsin which lay west of the Mississippi River. This entirely changed the face of things leaving the aspirants on the two sides of the river, an open field, without the interference of the local interests, which naturally grow out of such circumstances.

Party politics had hitherto been kept out of sight in Territorial matters, and Whigs and Democrats were not known in the canvasses for office. The first Delegate from the Territory, was understood to be a Whig, when elected; but the administration of the General Government, and a majority in Congress, being of the Democratic party, it was deemed prudent by himself and his friends to change his political character. One reason for this, was, that as the Territory was dependent upon Congress for funds to support its Government, make its internal improvements, and pay its numerous officers, it was *policy*—the usual standard of morality, truth and justice, with the majority of the politicians of the day—for our Delegate to be on the strong side of Congress, and the Administration, in hopes to obtain greater appropriations from the National Treasury.

With a view to secure this object in the election, without the contingency of a change in political views or policy, Mr. BURNETT was called upon by the Hon. J. S. H., one of the delegates to the nominating convention, to know whether he “professed the principles of the Whig party, and whether he was in favor of a National Bank as the only means of regulating the currency, and whether he believed in its constitutionality.”

The above was dated at Green Bay, Aug. 17th, 1838, and Mr.

BURNETT, then being at that place, on the day following replied as follows: "In answer to your letter of yesterday, it gives me pleasure to state, that I do not now and never have professed the principles of the Whig party. All my political principles were imbibed in the school of the Democratic party, as taught by Mr. JEFFERSON and his associates and followers, and I am too far advanced to change these principles. I have always been opposed to the Bank of the United States. All the arguments that have been elicited in late years in favor of that institution, have not, in any degree, tended to change my opinion. I am, and ever have been, in favor of a strict, limited construction of the Constitution, and a strict responsibility of all public agents. I do not believe it was intended by the framers of our Constitution, to confer on Congress the power of creating a National Bank; and in all cases where such a measure is even doubtful, I think the safer course is, to leave the matter to the people, and to the States. I have thus frankly, and in a few words, given you my opinions upon these questions; believing it to be the right of the citizen to enquire of a candidate for office as to his views upon the political measures of the country; I am nevertheless clearly satisfied, that it is not good policy to make national politics a test question in our Territorial elections, and am opposed to any attempt, at present, at the organization of parties in the Territory." In this Congressional contest, there were three candidates in the field, GEO. W. JONES, J. D. DOTY, and Mr. BURNETT. Each had his warm friends, and the election was warmly contested. But Mr. DOTY was the successful man.

In a letter now before me, from a friend of Mr. BURNETT in Racine, giving reasons why the election in that county went so different from what was expected, among other reasons says, "the bar in this village was kept open by ——'s friends on the day of election, and I am credibly informed that the bill was \$25 00." When will the time come that bribery will not be resorted to, to purchase votes? And what can a man value himself at, who will sell his vote, if not himself, for a drink of whiskey? Until this

corrupt and corrupting practice is discountenanced, discarded and abandoned, we cannot reasonably expect *purity* in our public men. In this case, it is not said that the candidate footed the rum bill, but that his friends did. This they might do without his knowledge or consent, but these friends would not be to that expense unless they expected, if their candidate was successful, to be compensated in the shape of office, contract for some public work, or by direct remuneration. In either case, *corruption* is at the bottom or foundation of the movement, and while men will thus sell their influence, the elective franchise is but a farce, and liberty is but a solemn mockery; for the people who thus dispose of their rights, are but slaves to a political demagogue, who, if he would thus purchase votes, would, in time, sell himself to a usurper of a higher grade, and become a vassal to a crowned head, if by so doing he could be well paid for his own, and the liberty of his country. These remarks are not made with reference to this case particularly, but the fact having occurred here gave rise to the general reflection.

From the numerous nominations, together with the numerous letters Mr. BURNETT received from the leading men in different parts of the Territory, it was but a reasonable calculation on his part, as well as on that of his friends, that he would be elected. But such is the "glorious uncertainty" of politics, as well as law, that he, like many others of merit, was doomed to be disappointed, and this one added to others heretofore alluded to, induced him to remain silent and inactive on this score for some length of time. Nor would he ever again have been a candidate for any office in the gift of the people, if he had not literally been dragged out of his retirement by his friends.

The Delegate from Wisconsin had up to this time been elected in the odd year, so that his two years ran into two Congresses, and as Judge DORR was successful 1838, and the Governor and a majority of the Legislature being opposed to him, it was deemed a favorable opportunity to get rid of him, by enacting that the election of Delegate should correspond to the election of mem-

bers of Congress in the States. This of course brought on an election of Delegate in 1839. Judge DOTY and BYRON KILBOURN were the prominent candidates, and by some means which I have not seen explained, Mr. BURNETT was again brought before the public in that connection. I have not been able to learn from his own correspondence, that he consented or refused to have his name used in that way. The friends of each of the prominent candidates, reported that his name was used for the purpose of dividing the vote of their respective friends. Of this Mr. BURNETT was not guilty, nor was he capable of such a measure. As it was, he received but a few scattering votes, and Judge DOTY was again successful, contrary to the expectations of the law-makers and changers.

In the meantime, Mr. BURNETT's practice at the bar was greatly enlarging, and he was preparing his farm in Grant county for the reception of his family, where he intended, and, as it finally resulted, did spend the remnant of his days on earth, and to which he moved his family in 1840, and gave it the name of "Hermitage." In the spring of 1842, Gov. DOTY in organizing the militia of the Territory appointed Mr. BURNETT General of the 2nd Brigade of the 2nd Division.

In the fall of 1842, a murder was committed on Prairie du Chien, for which five soldiers were arrested and indicted, for whose defence Mr. BURNETT was employed. The accused were acquitted, and for the want of other means to pay their counsel, they assigned over to him their pay due from the United States, for and during the time of their confinement, which assignment was sanctioned by the officer commanding the company to which they belonged. But the pay-master, Major STREET, refused to pay him, or them, for the time of their confinement, under a decision of Mr. THORNTON, the 2nd Controller of the Treasury, made in 1833. From this decision, Mr. BURNETT appealed to the Secretary of War, who referred the matter to the Pay-Master General, and he in turn referred it to the decision of the Controller, "that soldiers confined by the civil authority for alleged criminal offences, are

not entitled to pay from the United States for the time they are so confined. The fact that the men were not convicted, does not alter the case. The decision is based on the ground, that no service having been rendered the United States during that time, they, like other employers, are not bound to pay for any."

But Mr. BURNETT, with his characteristic diligence as a lawyer, never yielding a point in which he thought he was right, until the last thing possible was done, appealed from this tribunal to the President of the United States, to whom he writes Aug. 28th, 1843, as follows: "I beg leave respectfully to request your examination of the enclosed correspondence. When the matter was submitted to the Hon. Secretary of War, it was expected that he would give it some attention, and not turn it over to the Pay-Master General. *He* had already given his orders in relation to the decision of the 2d Controller, under which Major STREET was acting, when he refused to pay the men. If I had wanted a re-iteration of the order, if it could have been of the least imaginable benefit to me or the men for whom I have been acting, and at whose request I am still urging their claims for justice, to have it again promulgated, I should have written to the Pay-Master General direct, without troubling the Honorable Secretary to hand my letters over to him to be answered.

"The Pay-Master General says, that 'the decision of the 2d Controller is based upon the ground, that no service having been rendered the United States during that time, they, like other employers, are not bound to pay for any.' The same principle would prevent the payment of a soldier for the time he might be confined in the Hospital by sickness, or wounds, or while he was a prisoner of war. Why are the men, in either of these cases, paid for the time in which they render no service? Because they have been prevented by circumstances to which they must submit, and have not withheld their services voluntarily. But Mr. THORNTON says, 'where the soldier is confined by the civil authority,' (an authority to which the highest official is bound to submit, no matter how unjust the confinement may be,) the mis-

fortune fell on him, and he must bear it. Now in every imaginable case, for every day when the muster-roll does not show the soldier to be present, or absent on duty, no matter what accident, or misfortune may have intervened, the rule, with equal justice and reason, and as much law to support it, would be applied—the soldier must bear his misfortune. The principle will not not bear extension; it cannot be sustained by reason and analogy.

“The substance of the position is, that in *every* case, where no service is rendered, there can be no pay demanded, and the Government of the United States is compared to an individual. This rule would exclude every officer of the Government, civil and military, from receiving pay when absent from the appointed place of his duty, or when he fails to render service. To apply it to the army, if an officer is absent on furlough, or imprisoned on either civil or criminal process, we never hear of the rule being applied to him. Is law or reason different when applied from what it is, when, under the same circumstances, applied to a soldier? Is it to be established as a permanent measure of our Government, that one rule of justice is to be applied to the poor soldier, who always needs protection, and a different and more favorable one to officers who are never so necessitous, and who are always more able to protect themselves, and whose pay is of so much more consequence, so far as saving is concerned?”

But the appeal was of no avail until two years after, when the money was paid. It appears from the papers in the case, that this rule of the Controller had lain dormant for ten years, on this frontier, and it was not known to exist either by the Pay Master or officers of the army, until it appeared in this case, and of its injustice no one can reasonably doubt. As an item of history, it is of little importance; but as it involves an important principle of law, and exhibits the glaring injustice of the Government towards the weak and helpless, it is worthy of note.

From the organization of the Supreme Court of the Territory, Mr. BURNETT had been the Reporter thereof, and in the winter of

1843-4, the Legislature authorized the publication of the Reports of cases in that Court, with the Laws of the session. This required the re-writing of the whole on short notice, but the work was accomplished in due time. But in this, as in many other cases, where political squabbles for the ascendancy interfered with the proper administration of the Government, there were two claimants of the manuscript. The Legislature had given the printing of the Laws and Reports to Mr. GEORGE HYER, while the Secretary of the Territory, who held the "purse strings," wished to give it to Mr. W. W. WYMAN. Furthermore the Legislature appointed JOHN CATLIN and BEN. C. EASTMAN, commissioners to superintend the publication of the Laws and Reports, and to compare the Laws in the proof-sheets with the originals in the Secretary's Office, but there were some fears expressed that the Secretary would not grant the privilege of this comparison in his Office, which fears, I believe, were without sufficient foundation to justify them. In this state of the case, Mr. BURNETT was called upon by both claimants for his MS. Reports. But the commissioners being first in their call, and Mr. BURNETT believing that the will of the people as expressed by their representatives, should be obeyed, in preference to that of a foreign Secretary, who was sent here by the Federal Government merely or chiefly as a fiscal agent, he sent the MS. to the commissioners, who caused the Reports to be printed according to law.

In the year 1844, Mr. BURNETT was called upon to appear before the people of his county of Grant, as a candidate for the Assembly. There seems to have been strong efforts made against his election, on account of the independence with which he attended upon his duties at the bar, but he succeeded by a handsome majority, having 1000 out of the 1500 votes cast.

In the winter of 1844-5, and while the Assembly was in session, a rumor that an Indian war had broken out, came, with a thousand fearful forebodings, producing intense excitement in and about the Capitol. At this time, the militia laws had all been

repealed, probably with a view to counteract the supposed influence of Gov. DORR, and the capital he might have made by the organization of the militia, and the appointment of the officers from among his friends, the majority of the Legislature being opposed to DORR. At this juncture, however, a change in the administration of the General Government had changed Governors, and Gen. DODGE was again at the helm of the Territory. But the law which abolished the militia service with a view to hamper and trammel DORR, was now, in a time of need, found to trammel and hamper DODGE, for though great fear was excited, that plunder and murder would be, or were actually being committed by the Indians, the Governor's hands were tied by the law, which he had himself approved. The representations of Indian disturbances made to the Governor, he communicated to the Assembly.

If I have been rightly informed, the emergency of the case was such, as to call the two Houses together at an evening session, to receive the Governor's Message on the subject, and to devise ways and means for the public defence. And while one was looking at another, at a loss to know what to do, Mr. BURNETT penned and offered a bill to repeal the act by which the militia organization had been abolished, and to restore the former laws upon the subject. In offering the bill which contained only a few lines, he moved a suspension of the rules, so that the bill passed at once, and was sent to the Council; and, by the same process, it was passed there, and in about half an hour from the time it was first offered, the Governor had approved of it, and the whole militia of the Territory was organized, officers and all, and measures were said to be taking to call out a portion of it, to chastise the supposed marauders; when a second communication to the Governor, showed that there was no occasion for it. The first report had grown out of exaggerated statements of some white hunters, who had come in contact with some Indians in the same pursuit, and who probably took some game which the whites would have been glad to have taken; and possibly some pigs had

been taken on the credit of the Indians, but this was never proven against them.*

Mr. BURNETT was again in the Legislature in 1846, when arrangements were made to call a Convention to form a Constitution for a State Government. He was also elected a Delegate to the Convention, which met on the 5th day of October, 1846. He was, however, prevented, by sickness, from reaching Madison, until the 14th of the month, when he took his seat in this first State Convention. He had been some months confined at home by disease, and was indeed unfit to leave home when he did. But feeling the high responsibilities which rested upon him, he repaired to the Capital, but his stay there was destined to be short.

On the 19th of the month, Mrs. BURNETT, who the day previous

* By reference to the Legislative Journals, it appears that this matter happened on the last evening of the following session, February 3, 1846. The Governor communicated the proceedings of a meeting of the citizens of Muscoda, on the Wisconsin River, in Grant county, dated Sunday night, Feb. 1, 1846, stating as follows: "The citizens of this prairie and surrounding country, having been for the last several months annoyed and harrassed by the depredations of the Winnetago Indians, and submitted to their bullying and insults, have at length been forced to the *deraisier* resort—to take up arms for our protection. This evening a skirmish took place between the Indians and the citizens, in which four of the former were severely, if not mortally, wounded; and from the known character of the Indians, we may naturally expect more serious consequences to ensue. A true and correct statement of the occurrences of the day, is substantially as follows: A number of the Indians came down the north side of the Wisconsin River to Capt. SMITH'S, and stole his canoe. He discovered them, and called to them to bring it back, which they refused to do. The Captain, with several other men, came over to this shore, found the Indians who took his boat, and chastised one or two of them with a stick, and in the melee, one of his men was severely hurt with a club, in the hands of one of the Indians. The Indians then ran, and the citizens, a number of whom had by this time collected, followed them a little way and returned. In a short time the Indians came back also. All the citizens having by this time assembled, Capt. JAMES B. ESTES and BOOTH advanced towards them, unarmed, and in a peaceable manner, making friendly manifestations—all of which time the Indians threatened, by drawing their knives, throwing off their blankets, waving their guns in the air, and pointing them toward the whites. Finding it impossible to pacify or appease them, they separated, and in a moment they fired upon the citizens—the next minute their fire was returned, and four of them fell." They then add, that the Indians have sent their runners to collect their scattered bands, and the whites have sent for aid; that they want the Governor's assistance, and are determined to kill or drive every Indian on the Wisconsin, over the Mississippi; have upwards of forty men under arms, and have chosen JAMES B. ESTES for Captain.

Gov. DODGE recommended the adoption of a memorial to the Secretary of War, asking for a corps of dragoons to protect the frontier settlements. "In the course of half an hour," says the Madison *Argus* of that period, "resolutions were adopted to that effect, and the militia law of the Territory revived;" and on the adjournment of the Legislature, the Governor set out immediately for the scene of disturbance, but the excitement had died away, and no more trouble was apprehended.

L. C. D.

had returned from the funeral of her mother, was taken with the typhoid fever, then prevalent in the country. In a few days, her danger was such, that his presence was deemed essential, and a messenger was sent with his own team for him. On the night of the 25th, after the fatigues of the day, he left Madison in a wagon for home, eighty-five miles distant, and reached home, before he slept, the night following. This fatigue and exposure, together with his anxiety of mind, caused a relapse of his disease, and he was at once confined to his bed; and besides his wife, his mother, who a few months previously had come to spend her declining days with him, also lay under the same roof, and under the influence and effects of the same disease, and all three within hearing of each other.

On the 1st day of November, 1846, his mother departed this life in peace, but neither Mr. nor Mrs. BURNETT could follow her to the grave. On the 5th of the same month, Mr. BURNETT breathed his last, and in about three hours afterwards his wife followed him into the spirit-world. The house, at this time, was emphatically the house of mourning. Mrs. BURNETT's father, two brothers, sister, and several other relations were present, but Mr. BURNETT had no relative present, other than those already mentioned, of his wife's. But such was the deep hold he had upon the affections of his neighbors, that no care or pains were spared for his comfort, and that of his afflicted family. The house was literally thronged both day and night, not merely by spectators, but by those who sympathized with the afflicted, and came to administer relief.

The news of this double death, spread with the velocity of the wind; and on the 7th, a large concourse of people assembled to convey the deceased couple to their single grave. Mr. BURNETT had selected a spot in a beautiful grove, at the head of his garden, for his family cemetery, where he had already buried a little son, who was killed by the kick of a horse, and where his mother but five days before had been interred; and there his masonic brethren, his family connections, and a large concourse of friends,

consigned his remains and those of his companion to one common grave. Language can never depict the intense state of feeling that pervaded the whole community. The mail conveyed the sad intelligence to the Convention.

On the 10th of November, Hon. J. ALLEN BARBER, to whom the sad intelligence was sent, rose in the Convention, and made the following announcement: "Died at his residence at the Hermitage, Nov. 5th, 1846, THOMAS P. BURNETT, aged forty-six years and two months. Also, the same day, LUCIA M. BURNETT, his wife, aged twenty-nine years and seven months. Also at the same place, on the 1st inst., Mrs. JUDITH BURNETT, mother of Mr. BURNETT, aged seventy-three years." Mr. BARBER then offered the following resolutions, which were unanimously adopted:

"Resolved, That this Convention has heard the announcement of the appalling intelligence of the death, by a malignant fever, during the same day, of the Hon. THOMAS P. BURNETT, one of its members from the county of Grant, and his wife, and also of his mother, with feelings of the most poignant grief and heart-rending sorrow.

Resolved, That in the death of the Hon. THOS. P. BURNETT, this Convention has lost one of its most talented, intelligent and useful members; community one of its most valuable citizens, and brightest ornaments; his immediate circle of acquaintance an ardent friend, and his family and kindred have sustained a loss, for which, the expression of our deepest and warmest sympathies, can afford but a slight consolation.

"Resolved, That as a testimony of our respect for the deceased, the members of this Convention will wear crape on the left arm for thirty days.

"Resolved, as a further testimony of respect for the deceased, That this Convention will adjourn over the morrow.

"Resolved, That a copy of these resolutions be signed by the President and Secretary, and transmitted to the relatives of the deceased."

On the morrow after these proceedings, the Convention, with

many citizens of Madison, and of the Territory then at that place, met in the Capitol, when a suitable funeral discourse was delivered by Rev. Mr. McHUGH, the Chaplain. This was probably one of the most, if not the most, solemnly impressive scenes ever witnessed in that place. The death of ARNOTT, who fell in the Council Chamber by the hand of VINEYARD, probably produced more excitement, but it was of a different kind; it was produced by man acting upon his fellow man. But this was caused by the act of God, to whom all bowed in humble submission, and not with feelings of revenge or retaliation.

At the next meeting of the District Court at Mineral Point, the absence of Mr. BURNETT, for the first time since that place had become a county seat, produced a most solemn impression on the minds of the Court, the bar, officers and citizens, and a public meeting was held; an address suited to the occasion was delivered by Mr. JACKSON, afterwards Judge JACKSON, and resolutions, similar to those of the Convention, were adopted.

Mr. BURNETT left one daughter six years of age, and one son not quite two years of age, with sufficient means for their support and education, and to make a respectable beginning in the world, if spared to reach their majority, which is most ardently desired.

It will be expected, that in a memoir of so distinguished an individual, something will be said of his character. But from the relation which I sustained to him, it will at once be seen, that a delicacy rests upon me, which forbids any attempt at eulogy or panegyric upon him from my pen. I may, however, be permitted to give the naked facts, and leave the reader to enlarge according to his own ideas of propriety.

In person, Mr. BURNETT was below the ordinary size, being about five feet, eight inches in height, rather slim built, and weighed about one hundred and thirty pounds. His education was not of the profound and extended character of some, being principally self-acquired; but being a diligent student, he was second to but few of his profession in legal lore, or in general historical and political knowledge, and knowing that if his aspirations in the

world were ever attained, it must be by his own industry and application, he spared no pains in acquiring all useful knowledge for his profession. His address was of the most pleasing and popular character. At the bar, to the court and jury, as well as in his social intercourse, he was courteous and affable, and seldom gave offence to his opponents. One strong and prominent trait of his character, was, the sympathy of his nature. He so fully entered into the feelings and wishes of his clients, that even in doubtful cases, he felt that he was right; yet his courtesy never allowed him, in arguing a case, to affirm things to be true, of which he had no knowledge. That which rested on opinion, he gave as opinion; and after stating his reasons for so thinking, left it to the court or jury, whichever he was addressing, to decide from their own convictions of right.

In his pecuniary matters, he was industrious in accumulating, and economical in all his habits. He had an eye to competent retirement; and to this end, selected one of the most lovely spots on the Military Road from Prairie du Chien to Fort Winnebago, now Portage City, it being on a high ridge, where timber and prairie lands were in close connection. And, having a taste for agriculture and horticulture, he devoted his leisure time to their superintendence. He built a double log cabin, in which to live, till his means would allow him to build a better; and at the time of his death, had his drafts made, and was about to close his contracts for the erection of a spacious stone mansion; but this was not accomplished. His orchard, garden, and lawns, were arranged with great taste and beauty. The trees and shrubs were pruned with care; his stocks of cattle and horses were of the improved breeds of the day; and the newest and best agricultural implements were in use on his farm.

Like too many, his worldly cares and aspirations had engrossed the most of his attention, to the exclusion of the duties of practical piety. He was a firm believer in revealed religion, recognized and acknowledged his obligations to practice its duties, and like most others, intended to do so before he died. His wife being

a professor, he often accompanied her to the house of worship, and always furnished her with the means, besides his own contributions, for the support of the Gospel. And often when in places of worship, or in company with the religious, the sympathies of his nature would yield to the moral influences with which he was surrounded. But this same sympathy of nature led him to assimilate with other and different influences when surrounded by them. Owing to this, as he associated with men of the world, he fell into their habits, so far as they were deemed consistent with the character of a gentleman; and, it is to be regretted, that some things are not deemed inconsistent with that character, that are very much so with Christianity, and which no gentleman would like to meet unpardoned at the bar of God. Over these, we throw the veil of charity and forgetfulness.

After Mr. BURNETT's return from the State Convention to his sick family, and a relapse of his own complaint had lain him up on his sick and dying bed, the associations around him were calculated to awaken the most serious reflections as to his future state, and the necessary preparation to meet it. There lay his dying mother, and dying wife, from both of whom he had received religious instruction. My own relation to him, as well as my profession, both required and justified, now that I saw the hand of death upon him, to present more fully to his consideration than I had done before, the importance of obtaining forgiveness from God, before he appeared at his bar to answer for the deeds done in the body. He saw and felt the impropriety of deferring such important concerns to so late an hour, but devoted his few remaining hours to prayer, and to seeking mercy and forgiveness from the hand of that God against whom he had sinned, before he should be ushered into his presence, and receive his final doom. And it was, and still is, a source of comfort to his friends, to know, that he expressed confidence in the hope of forgiveness here, and a blessed immortality hereafter.*

* In commemoration of his Mr. BURNETT's memory and services, the Legislature at its session of 1853, named a new county after him, situated in the north-western part of the State. L. C. D.

APPENDIX NO. 9.

PIONEER LIFE IN WISCONSIN.

BY COL. DANIEL M. PARKISON, OF LA FAYETTE COUNTY, WISCONSIN.

In compliance with the request of the STATE HISTORICAL SOCIETY, for my reminiscences of pioneer life, together with my recollections of the Winnebago and Black Hawk Indian Wars, I herewith communicate an imperfect and concise sketch for the use of the Society.

I was born in Carter county, East Tennessee, August 1st, 1790. My parents were natives of Shenandoah county, in the Valley of Virginia, and my father, PETER PARKISON, served under Col. DANIEL MORGAN in the Revolutionary war, and on one occasion was wounded; and about the close of that contest, he removed to East Tennessee, where he took an active part in all public matters pertaining to that pioneer era in Tennessee settlement. He served under Col. JOHN TIPTON as a captain, in 1788, in a sort of civil strife then raging among the East Tennesseans, growing out of a conflict of jurisdiction in consequence of the short-lived republic of Franklin, organized under the leadership of Col. JOHN SEVIER. It was mainly a war of words, though some blood was shed before its termination. My father died in Carter county, in March, 1792.

After residing a while in White county, Tennessee, I migrated in May, 1817, to the southern part of the then Territory of Illinois, and settled in Madison county, twenty-five miles east of St. Louis, which town then contained about five thousand inhabitants.

The surrounding country, however, was quite sparsely settled, and destitute of any energy or enterprise among the people; their labors and attention being chiefly confined to the hunting of game, which then abounded, and tilling a small patch of corn for bread, relying on game for the remaining supplies of the table. The inhabitants were of the most generous and hospitable character, and were principally from the southern States; harmony and the utmost good feeling prevailed throughout the country.

In 1819, I removed to what afterwards became Sangamon county, which was then an entire wilderness, there being then but six families, including my own, within eighty miles; and for that distance, the inhabitants were, for several years, compelled to go for their supplies of merchandize, as well as the transaction of all matters of a political or public character. But notwithstanding their isolated position, and in the midst of numerous Indian tribes, their prosperity was rapid. This portion of country was then a frontier on the north and west; and, like southern Illinois, was settled by emigrants chiefly from the southern States, possessing enlarged views of generosity, hospitality, and confidence in their fellow men. When a new-comer arrived in the country, the settlers, without distinction or ceremony, went at once to pay him a visit, whom they usually found in a tent or camp. The warmest sentiments of friendship and good-will were interchanged, the old settlers assuring their new neighbor, that every thing they possessed, in the way of tools, teams, wagons, provisions, and their own personal services, were entirely at his command. Hence, in a few days, all hands, as the phrase then was, turned out, and built the new-comer a house, cut and split his rails, hauled them out, put them up in fence around the land he wished to cultivate, and then his land was broken up for him ready for the seed. Thus, in the space of a few days, the new comer was in a comfortable condition, well acquainted, and upon the best terms of friendship, with the whole neighborhood. And to conclude these friendly attentions to the new-comer, a most joyous and convivial occasion was enjoyed, when the

younger portion of the company would trip the light, fantastic toe, over some rough puncheon floor. Thus would be formed the most warm and enduring friendships—such as no ordinary circumstances could disturb.

Among the settlers, the utmost confidence was reposed in the honor and integrity of each other; consequently all business was done upon the *confidence* principle. Notes, receipts, mortgages, or bonds, were scarcely ever given in those days; and afterwards, when the Yankees, as we called them, came among us, and sought to introduce their system of accounts, written notes and obligations, we looked upon them with great suspicion and distrust, and regarded their mode of doing business as a great and unwarrantable innovation upon our established usages. We looked upon them as a selfish, small-dealing, and narrow-contracted people, and, consequently all intercourse with them, was at first, as much avoided as possible. After a few years, however, these prejudices in some degree wore off, and a general good feeling prevailed. I must here remark, in justice to the Yankee or Eastern character, that I have found among them, as warm hearts, as firm, enduring friends, and formed as ardent attachments, as among any other people. Some of my most devoted and highly esteemed friends are among this class.

I heard the first sermon preached in Sangamon county; it was in 1819, and by Rev. RIVERS CORMUCK, of the Methodist denomination. The first funeral sermon was preached at my house, in consequence of the death of a daughter and son of mine. I was the first Justice of the Peace in the Sangamon country, and had many an amusing scene in dispensing justice among the honest and illiterate members of the community, and in solemnizing the rites of matrimony between the loving swains and impatient damsels of the country; and occasionally between those who were quite stricken in years, for this feeling was by no means confined to the young.

In the year 1822, considerable excitement was created in relation to the lead mines near Galena, and a number of persons went

there from Sangamon county, among whom was Col. EBENEZER BRIGHAM, now of Blue Mounds, Dane county, Wis. In 1826, the excitement and interest relative to the Lead Mine country became considerably increased; and in 1827, it became intense, equalling almost anything pertaining to the California gold fever. People from almost all portions of the Union inconsiderately rushed to the Mining Region.

With Col. WM. S. HAMILTON, JAMES D. BRENTS, and two others, I arrived at Galena on the 4th of July, 1827; and on the same day, arrived also a boat from St. Peters, which had been attacked by the Indians, a short distance above Prairie du Chien, bringing on board one man killed and two men wounded. In the encounter with the Indians, they killed two of them. The Indians who made this attack upon the boat, were those under the command of RED BIRD, one of the war chiefs of the Winnebagoes.*

Upon the reception of the alarming intelligence of the attack on this boat, and also upon some of the inhabitants near Prairie du Chien, and the reports being spread over the country, a scene of the most alarming and disorderly confusion ensued—alarm and consternation were depicted in every countenance—thousands flocking to Galena for safety, when in fact it was the most exposed and unsafe place in the whole country. All were without arms, order or control. The roads were lined in all directions with frantic and fleeing men, women and children, expecting every moment to be overtaken, tomahawked and scalped by the Indians. It was said, and I presume with truth, that the encampment of fugitives, at the head of Apple River, on the first night of the alarm, was four miles in extent, and numbered three thousand persons.

In this state of alarm, confusion and disorder, it was extremely difficult to do any thing; almost every man's object was to leave

* From Judge Lockwood's Narrative, pages 161, 162 of this volume, it appears that RED BIRD was doing mischief at Prairie du Chien, when the boat was attacked *the same day*, near the mouth of Bad Ax River, some forty-five miles above Prairie du Chien. He could not, therefore, have taken any personal part in the boat attack.

the country, if possible. At length a company of riflemen was raised at Galena, upon the requisition of Gov. CASS of Michigan, who arrived there on the second day after the alarm. This company was commanded by ABNER FIELDS, of Vandalia, Illinois, as Captain, and one SMITH and WM. S. HAMILTON as Lieutenants; and was immediately put in motion for Prairie du Chien, by embarking on board the keel-boat *Maid of Fevre River*. On our way up the river, I acted as Sergeant of the company, and we made several reconnoitering expeditions into the woods near the river, where Indian encampments were indicated by the rising of smoke. In these reconnoissances we run the hazard of some danger, but fortunately all the Indians that we met were friendly disposed, and did not in the least sympathize with those who had made hostile demonstrations.

When we arrived at Prairie du Chien we took possession of the barracks, under the prior orders of Gov. CASS, and remained there for several days until we gave way to Col. SNELLING's troops who arrived from Fort Snelling. While we remained there, a most serious difficulty occurred between Col. SNELLING, of the regular army, and Capt. FIELDS and Lieut. SMITH of our volunteers, which eventuated in Lieut. SMITH sending Col. SNELLING a challenge, and Capt. FIELDS insisted upon doing so likewise, but Col. HAMILTON and I at length dissuaded him from it. Col. SNELLING declined accepting Lieut. SMITH's challenge, and immediately sent a corporal with a file of men, to arrest Mr. SCOTT, the bearer of SMITH's communication. The volunteers refused to surrender SCOTT into the hands of the guard; but Col. HAMILTON wrote a note to Col. SNELLING, stating, in effect, that SCOTT should immediately appear before him. Accordingly Col. HAMILTON and I conducted Mr. SCOTT into the presence of Col. SNELLING, who interrogated him as to his knowledge of the contents of Lieut. SMITH's communication; and upon Mr. SCOTT's assuring the Colonel that he was entirely ignorant of the subject-matter, he was dismissed.

Col. SNELLING then addressed the volunteers in a pacific and

conciliatory manner, which seemed to dispose of the matter amicably; but the Colonel, nevertheless, refused to furnish us with any means of support, or any mode of conveyance back to Galena—as the boat in which we came, returned there immediately after our arrival. But for the noble generosity of Mr. Lockwood, who kindly furnished us with a boat and provisions, we would have been compelled to have made our way back to Galena on foot, or as best we could, without provisions. During our entire stay at the garrison, we received the kindest treatment and most liberal hospitality at the hands of Mr. Lockwood. At the time of our arrival at Prairie du Chien, the citizens had in their custody as hostages for the good conduct of their nation, three Indians, one of whom was the well-known Chief DAY-KAU-RAY. He disclaimed on the part of his nation as a whole, any intention to engage in hostilities with the whites; he was, however, retained some time as a hostage before being released.

During our absence, another volunteer company was raised, commanded by Gen. DODGE, who was constantly in the field with his mounted force, keeping in check the approach of the enemy. During his rangings, he took young WIN-NE-SHICK,* son of the chief WIN-NE-SHICK, who was detained as a hostage for some time. No farther disturbances of a serious character took place that season; and in the succeeding autumn, Gens. ATKINSON and DODGE held a council or treaty with the Winnebagoes. After this, we had no more Indian troubles till 1832.

Notwithstanding the country was in a great measure abandoned in the summer of 1827, during the Indian alarms and disturbances, yet in the fall it began to fill up again, and in the spring of 1828, the flow of immigration here was almost inconceivable. Mining and smelting were engaged in, upon quite an extensive scale;

*HORACE SMEAD, a pioneer, who resided near Galena in 1827, states in conversation, that WIN-NE-SHICK, was brought to Galena in charge of JESSE W. SHULL and about four others, and was taken to Dr. MUIR'S, whose wife was a Winnebago woman, and was detained about two weeks, when the alarm subsiding, he was escorted by a party some distance towards the Indian country, being afraid to venture among the whites alone, and then set at liberty. He still lives, west of the Mississippi, in Minnesota, the head chief of the Winnebagoes.

many made fortunes, and many lost them. The country presented a hurly-burly business aspect. The inhabitants were a heterogeneous mass, thrown together from all parts, and in all shapes and conditions; but the whole were characterized by some leading or general features. Honesty, hospitality, generosity and kindness were predominant characteristics of the entire community, although in some, they might have been alloyed with indolence and recklessness to some extent.

I removed my family to the mines in the fall of 1827, and settled at New Diggings, now in La Fayette county. So intent were the new-comers on making money by mining, that they could not take time to erect for themselves and families even a comfortable dwelling place. Instead of houses, they usually lived in dens or caves; a large hole or excavation being made in the side of a hill or bluff, the top being covered over with poles, grass and sods. A level way from the edge of the hole at the bottom was dug out, some ten or twelve feet; and this gang-way being closed up on either side, was covered over on top, thus forming a sheltered entrance to the "*dug-out*," as such places were usually called. In these holes or dug-outs, families lived in apparent comfort and the most perfect satisfaction for years, buoyed up by the constant expectation of soon striking a *big lead*. To these miserable places of abode, men were compelled to carry upon their backs every thing they and their families required for food and fuel. The miners all lived in similar or worse places, or encamped upon the open ground.

What was then called *prospecting*, was the general business of the country. This consisted in digging "*succor-holes*," in all imaginable shapes and depths, and in all manner of places. When a *lead* was struck, then all would flock to that vicinity to mine; and hence, in the course of a few years, mining was concentrated, in some considerable degree, in certain localities, such as New Diggings, Hard Scrabble, Coon Branch, Fair Play, Platteville, Mineral Point, Dodgeville, Blue Mounds, &c., places still of considerable note. During these few early years, the mines

were worked chiefly by men from the Southern and Western States, who possessed and practised many of the noblest traits of our race. As an illustration of their innate integrity of character, it is perhaps only necessary to state, that locks and keys were unknown in the country; and all places of abode were always left unfastened, and open to the reception of all, who received a cordial welcome, and a free invitation to partake of every hospitality the dug-out or shanty afforded. Upon the return of the lone miner to his "hole in the ground," after a hard day's work, he would frequently be cheered with the sight of some weary prospector, who had, in his absence, there taken up his lodgings for the night. Having passed a pleasant night, they would separate in the morning, perhaps never to meet again. Mining tools, and every thing of this description, were left out, and nothing ever stolen or disturbed.

Debts were contracted without reserve, at the first interview with a new comer, and he seldom ever failed to meet his promises of payment. The mode of doing business was something like this: A young man would enter a store, or go to a smelter, who usually kept miners' supplies, and would say: "Sir, I have just arrived in the mines, am out of money, and wish to go to mining; if you will let me have some tools and provisions, I will pay you as soon as I strike mineral, which I hope will be in a few days, or weeks at the most." The prompt and friendly reply would be—"Yes, Sir, you can have them;" and the pay, sooner or later, was almost sure to come. This custom was so universally prevalent, and men were so prompt to pay their debts, that I have often heard business men of that day declare, that they never knew debts so promptly paid, even in States where they had stringent laws to enforce their collection.

I did not remain long at New Diggings, but soon moved out to Pecatonica, and kept a tavern, which was, for a considerable time, the only house between Gratiot's and the Blue Mounds. I was myself strongly impressed with the idea that no collection laws were preferable; travellers would often make bills with me

without the present means of paying them, but almost invariably payment would some time or other be made. While living here, I had no neighbors nearer than twelve miles, except a family of Oneida Indians from the State of New York, the head of which afterwards served in Gen. DODGE's squadron during the Black Hawk war.

Removing, in 1829, to Mineral Point, I opened the first tavern ever kept in the place. Mineral Point was then the great center of attraction to all miners; some of the largest *leads* were there struck and extensively worked, and quite a number of mining and smelting establishments erected there and in that vicinity. Many merchants came and settled there, among whom were MESSRS. WRIGHT and GUIARD, MORRIS, ANSLEY, and others; and among the principal smelters were Capt. JAMES H. GENTRY, RICHARD H. KIRKPATRICK, and ROBERT C. HOARD, all three of whom served as officers in the Black Hawk war. Business was of the most animated character. The town grew up with great rapidity, and every thing wore the most pleasing and encouraging aspect. The anniversary of American Independence was this year celebrated at Mineral Point with great pomp and ceremony, under the direction of Gen. HENRY DODGE, of Dodgeville, as President, WILLIAM HEMPSTEAD, of Galena, Vice President, JOHN C. SCOTT, Marshal, and Dr. SNYDER, Orator of the day. I prepared the dinner, and at night a dance came off at my house. There were at least a thousand persons in attendance; the oration and ceremonies were as fine, as well timed, and all as happily adapted to the occasion, as any I have since witnessed in this country.

After this apparent prosperity, business very much declined, and in the fall and winter ensuing, the inhabitants experienced the severest times that they ever had in the country. Lead and mineral fell in value from a good price, to almost nothing—lead depreciating to one dollar or one dollar and a quarter per hundred, and mineral only brought no more than four dollars per thousand, and often but three. And not only was our great and

exclusive product so depressed, but provisions rose to a very high price. Flour commanded from fifteen to eighteen dollars per barrel, pork thirty dollars per barrel, coffee fifty cents and sugar twenty-five cents per pound. At these ruinous prices for lead and mineral, and high prices for provisions, it required a desperate effort on the part of the miner to secure even a scanty living. It took from four to five thousand pounds of mineral to pay for one barrel of flour; I gave four thousand pounds for a barrel. In consequence of the great depression of the times, many persons became discouraged and left the country, many more gave up business, and the country at that period, and during the years 1830 and 1831, presented a most gloomy and unpromising appearance, and was, in fact, any thing but flattering to inhabitants or strangers.

During all this time, the people were compelled to pursue the uncertain and precarious fortune of mining as a means of livelihood, the cultivation of the soil being expressly prohibited by the laws and regulations governing the mines. But in the spring of 1832, however, the Superintendent of the mining country, seeing the absolute necessity of the thing, signified to the inhabitants, that he would not take any measures to prevent them from cultivating the soil; but could not, under his instructions from the General Government, give them any special permission to do so. Up to this time, it was necessary, under the mining regulations, to procure a permit even to mine. The regulations governing the mines, were of the most rigid character, and they were sometimes rigidly enforced, sending officers with instructions to remove persons from certain localities. An instance of this kind, I believe, occurred, in which Gen. DODGE was the person sought to be removed. He was then mining at Dodgeville, a region to which the Indian title had not been fully extinguished. This was in the year 1828; but these instances were, however, quite rare.

In consequence of the inhabitants being partially permitted to cultivate the soil, there was an evident appearance of increasing

improvement and prosperity throughout the country; and the settlers everywhere were looking forward to a season of plenty and comfort. The country now began once more to hold out inducements to immigration, and the population was evidently on the increase from this source. But these fair and flattering prospects were soon over-cast by the sudden out-break of the Sauk and Fox Indians under the bold leadership of BLACK HAWK.

In the month of April, 1832, intimation was received in the mines, that BLACK HAWK, with a large force of his warriors, had crossed the Mississippi, at the mouth of Rock River, with the avowed intention of making war upon the inhabitants of this country. Upon the reception of this intelligence in the mines, the people were immediately called together by Gen. Dodge, at Mineral Point, which council or meeting was numerously attended. The result was, that it was deemed expedient to send a messenger with dispatches to Dixon, on Rock River, and ascertain correctly, the strength and intentions of BLACK HAWK's party. I was chosen the messenger, and proceeded immediately upon my mission, with dispatches from Gen. DODGE, in behalf of the inhabitants of the Mining District, to Mr. JOHN DIXON, at Dixon, who was a particular friend of the Sauks and Foxes, and also to Col. HENRY GRATIOT, the Agent of the Winnebago Indians, who was said to have proffered assistance to BLACK HAWK. Col. GRATIOT, upon the reception of Gen. DODGE's dispatch, proceeded immediately to BLACK HAWK's camp, which was then at the Prophet's village, on Rock River, to ascertain the facts in the case. On arriving there, he was at once taken prisoner by BLACK HAWK, and retained for forty eight hours, when he was ransomed by Col. CUBBAGE, his clerk, for ten plugs of tobacco. This information I afterwards obtained from Col. GRATIOT. The result of my mission was, to confirm the reports previously received in the mines. BLACK HAWK's efficient force at this time, was supposed to have been about five hundred warriors, which was subsequently augmented by Winnebagoes and others, to reach, as was supposed, about eight hundred warriors.

Immediately upon my return to the mines, after an absence of three days, with intelligence substantially confirming the alarming reports we had previously received, Col. DODGE (as we shall now designate him,) collected and organized a mounted company, of which JAMES H. GENTRY was chosen Captain, HENRY L. DODGE, (son of Col. DODGE) first Lieutenant, and PASCHAL BEQUETTE, (afterwards son-in-law of Col. DODGE) second Lieutenant. This company consisted of about fifty men, and was kept constantly in the field, with Col. DODGE at their head; and, with this company, he made an expedition to Dixon, for the purpose of securing some additional force from Gov. REYNOLDS, of Illinois, who had arrived there at the head of what was called the first "SUCKER ARMY;" as well also, to ascertain, if possible, something of the probable movements and designs of BLACK HAWK, and whether any 'marauding Indian parties had been sent out upon our frontiers. For this movement Col. DODGE has been censured by some, but I think without any good reason. It always seemed to me, that this step was a judicious one, fully warranted by the circumstances attending it. He failed, however, to obtain any additional force, and found none of the enemy upon our southern border.

Col. DODGE returned to the Mining District, bringing the intelligence of *Stillman's defeat*, at the mouth of Kish-wau-kee, on Rock River, about thirty miles above Dixon, which was on the 14th of May. This information at first threw the inhabitants into considerable alarm and confusion. But fortunately there were, in the country, quite a number of men of some wisdom, discretion, and experience, as connected with Indian difficulties, of whom Col. DODGE seemed to be the chief. Many others might be mentioned, as being well calculated to counsel and direct in such times of danger—such as Col. WM. S. HAMILTON, Maj. RICHARD H. KIRKPATRICK, Capt. JOHN H. ROUNTREE, Capt. ROBERT C. HOARD, Capt. JAMES H. GENTRY, Capt. ROBERT DICKSON, Capt. CLARK, Capt. JOHN MOORE, Lieut. CHARLES BRACKEN, Dr. LOUGHBOROUGH, and many others. By the wise counsels and untiring exertions of these men, and those associated with them, the country was

quickly put in a state of defence, by the erection of stockades at the most prominent points—such as the Blue Mounds,* Dodge's, Mineral Point, Fort Defiance (now my place), Fort Hamilton (now Wiota), Gratiot's, White Oak Springs, Elk Grove, Diamond Grove, and others.

These places of safety for the families of the settlers being completed, three additional mounted companies were organized in the Mining District, commanded respectively by Capt. JOHN H. ROUNTREE, of Platteville, Capt. CLARK, of White Oak Springs, and Capt. BEON GRATIOT, of Gratiot's Grove, a brother of Col. Gratiot, Agent of the Winnebagoes. Some changes afterwards took place in the commands. During the organization and equipment of these companies, Col. DODGE, Col. GRATIOT, and others, proceeded to the Four Lakes (now Madison),† for the purpose of holding a council with the Winnebagoes, whose friendship and good faith towards the whites, were very much doubted. But in this council, they gave every assurance, so far as kind words and fair promises could go, of maintaining their friendship and integrity.‡

Upon Col. DODGE's return, he was joined by the other newly raised companies, and all were immediately put in motion for the Blue Mound Fort, upon which, it was apprehended by Capt. JOHN SHERMAN, who commanded there, that the Indians designed making an attack. When within about three miles of that fort, Col. DODGE was met by an express conveying the pleasing intelligence of the delivery of the two Misses HALL, who had been made prisoners at the massacre on Indian Creek, near Ottawa, for whose ransom Gen. ATKINSON had offered the generous reward

* This was commenced on the 10th of May—vide BROUCHARD'S Narrative in SMITH'S Wisconsin.

† Genl SMITH states, that this conference was held on the 25th of May, "at the head of the Four Lakes," which was probably at WALLIS ROWAN'S old trading establishment, some six miles a little north of west of Madison, a short distance below the mouth of Pe-e-na, or Pheasant Branch; and where in the times of 1837, a paper "City" was attempted to be manufactured. CAPTS. GENTRY and ROUNTREE, with fifty mounted volunteers, accompanied COLS. DODGE and GRATIOT. L. C. D.

‡ Col. DODGE'S "talk" to the Winnebagoes, on this occasion, may be found in SMITH'S Wisconsin, 1, 416, 417. L. C. D.

of two thousand dollars. The captives were brought into that fort* by a band of Winnebagoes, headed by the chief WHITE CROW, or *The Blind*, as he was usually called, who had got them from the Sauks for that purpose.

After the matter of the captive girls was arranged and both whites and Indians had taken up their quarters for the night, a scene of some alarm and confusion took place. The WHITE CROW had told Capt. BEON GRATIOT, that he was friendly towards him, as his brother was the Winnebago Indian Agent; that he did not wish to see him killed, and that he had better leave Col. DODGE and go home; that the Sauks and Foxes would kill all the whites; that the whites could not fight, as they were a soft-shelled breed; that when the spear was put to them they would quack like ducks, as the whites had done at Stillman's Defeat; and he proceeded to mimic out, in full Indian style, the spearing and scalping in the Stillman affair; and that all the whites who persisted in marching against the Indians, might expect to be served in the same manner. Besides this conversation, the Indians acted and conducted themselves in many respects very suspiciously, so much so as to greatly alarm Capt. GRATIOT, and others, who confidently believed that the Indians meditated an attack in the night with a large force.

Upon this information being conveyed by Capt. GRATIOT to Col. DODGE, who had retired for the night, he instantly jumped up, and said, with great emphasis—"Be not alarmed, Sir; let them come; we will show them, Sir, that *we are not* of the soft-shelled breed;" and immediately went out, and took the WHITE CROW and a few others into custody, and next morning marched the whole body off to Col. JAMES MORRISON's farm, where he held a council with them in the presence of Col. GRATIOT, their Agent. But such was Col. DODGE's suspicions of them from this conduct, that he retained one or two of their principal chiefs as hostages for the good behavior of the nation; a course, I think, fully jus-

* On the 3rd of June, having been taken on the 21st of May preceding.

tifiable from all the attendant circumstances, though some have professed to think differently. These particulars about the WHITE CROW, I give on the statements of my son PETER PARKISON, Jr., who was with the troops at the Blue Mounds and MORRISON'S at the time.

From MORRISON'S place, Col. DODGE proceeded to Gratiot's Grove, halting a while at Fort Defiance. The second day after this, which was early in June, information was received by Col. DODGE while at Gratiots Grove, that a man had been killed near the Blue Mound Fort. Being on his route south, Col. DODGE dispatched a messenger with instructions to Fort Defiance and Mineral Point, to raise what force could be mounted, and proceed to the scene of the murdered man. Just at that time, a number of French ponies had been brought down from Prairie du Chien for the use of the inhabitants of the Mining District. These ponies were immediately mounted by a company formed of about thirty men, among whom I was one. When we arrived at the Mounds, we found that the man, whose name was WILLIAM AUBREY,* was just buried. We remained there one day reconnoitering the country, but could discover no traces of Indians; but we were confident at the time, that AUBREY was killed by the Winnebagoes. The company, which was commanded by Capt. JOHN F. O'NEIL, of Mineral Point, returned by way of Fretwell's Diggings to Fort Defiance.

About this time, the people of Fort Defiance and Mineral Point became very much alarmed, in consequence of Capt. JAMES B. ESTES coming under whip and spur, at the best speed of his horse, announcing successively at Fort Defiance and Mineral Point, that he had seen a large body of Indians about seven miles below Fort Defiance, making their way towards that fort; adding at Mineral Point, that he had no doubt but that Fort Defiance was then in possession of the Indians. In reading over Capt. ESTES' narrative in Gen. SMITH'S History, I was not a little surprised that he had

* AUBREY was killed on the 6th of June.

made no mention of this circumstance ; he may, however, have concluded that he was mistaken, as I believe he was.

Immediately upon Capt. ESTES announcing this intelligence, Capt. HOARD, who commanded at Fort Defiance, ordered me with three others, Lieut. M. G. FITCH, JOHN RAY, and REASIN HALL, to make a reconnoissance and ascertain the facts. We did so, but could find no Indians, or signs of any. The fort was not attacked, and the inhabitants of Mineral Point learning this fact, resumed their usual quiet and confidence. These false alarms were not uncommon in these critical times. Many men seemed to possess eyes of a powerfully magnifying character, torturing every thing seen into an Indian, and thus many a well run race has been made when there were no Indians probably within many miles, and nothing to justify the flight more than a tree, stump, or clump of weeds. But notwithstanding there were a few of these flighty gentlemen, the most of the men then in the country, were of that bold and resolute character, who could readily distinguish between trees or bushes and Indians, as their conduct upon all occasions so well testified.

After Col. DODGE left Gratiot's Grove, as my son, who was of the party, informs me, he proceeded with his command to Kirker's farm, and there halted for noon ; and while there, the Colonel addressed his men in a very spirited manner, saying that they were then fully in the enemy's country ; that every thing depended upon their success ; that the public eye was upon them, and that every thing that could be expected of valiant and daring soldiers, would be expected of them ; that their families, as well as the country, looked to them for protection ; and closed by reminding them of the importance of vigilance and determination, and of perfect subordination to their officers while in the field.* In the afternoon, they marched to the scene of the murder of St. VRAIN, HALE and FOWLER, whose bodies they found and buried ; HAWLEY, who was supposed to have been killed near the same

*This address may be seen in full in SMITH'S History of Wisconsin, vol. 1, p. 420.

time, was never found, nor anything entirely satisfactory ever heard of him.

The next night, Col. DODGE's party encamped at Hickory Point, where five of their horses were stolen by the Indians. Early the next morning, a detachment under the command of Capt. GENTRY started in pursuit, and followed them nearly the whole day, retaking some of the lost horses, together with some others, which the Indians had evidently stolen from the whites. The Indians eluded them by abandoning the horses, and fleeing through or into swamps on foot.

This night we encamped at Rock River, where Gen. HUGH BRADY* was in command. Learning that Gen. HENRY ATKINSON was at Ottawa, on the Illinois river, Col. DODGE, with twenty-five men, accompanied Gen. BRADY to that point, where Col. DODGE had a conference with Gen. ATKINSON,† formed a plan for the future movements of the army, when Col. DODGE returned the next night to Dixon about mid-night. Early the next morning thereafter, Col. DODGE's command was put in motion for the Mining Country, where they arrived after a two day's march, much worn down and fatigued. This expedition from the commencement occupied about eight days, during which the troops had been almost constantly, day and night, upon the march. Upon their return to Gratiot's Grove, owing to the worn down condition of the horses, having had nothing but grass to subsist on, it was deemed expe-

* Gen. BRADY was born in Pennsylvania, in July, 1768, and entered the army in 1792, and served as an Ensign in Gen. WAYNE's campaign against the Indians; and in the war of 1812-'15, he commanded a regiment, and particularly distinguished himself at Lundy's Lane, and in the battle of Chippewa, in which latter sanguinary contest his regiment was almost annihilated, and himself severely wounded. In 1825, he was stationed at Detroit, in command of that military department, and contributed greatly to preserving peace on the frontier, during the Detroit disturbances in Canada, in 1837. He entered with spirit into the Black Hawk war, and exclaimed, "Give me two infantry companies mounted, and I will engage to whip the Sauks out of the country in one week;" but sickness soon came upon the veteran, and his services were lost for the campaign. He received from his native State, the present of a sword, and attained the brevet rank of major-general. He died, at Detroit, April 15th, 1861, in his eighty-third year. A life of purity, rigid temperance and systematic activity, had given a hardness to his frame, and an elasticity to his step, which continued to the day of his death. He was a younger brother of the celebrated partizan in Indian warfare, Capt. SAMUEL BRADY, of the Upper Ohio Valley L. C. D.

† This was on the 11th of June. Gen. ATKINSON was engaged in organizing three brigades of of Illinois volunteers at Ottawa. L. C. D.

dient by Col. DODGE to dismiss his men to their respective forts for a few days, for the purpose of recruiting their horses; subject, however, to be re-called into service at a moment's warning.

The mounted men had just arrived at Fort Defiance, when the sad intelligence arrived by DAVID GILBERT as express, that five men had been killed at SPAFFORD's farm, on the Pecatonica, six miles south-east of Fort Hamilton.* A dispatch was immediately sent to Col. DODGE, and all the men at the fort that could be mounted, were soon in readiness to proceed to the scene of the murder. This detachment consisted of R. H. KIRKPATRICK, CHAS. BRACKEN, who was first Lieutenant at Fort Defiance, SAMUEL BLACK and PETER PARKISON, Jr., who had just returned from Col. DODGE's expedition to Ottawa, and belonged to the mounted force, LEVIN LEACH, DOMINICK MCGRAW, MATTHEW G. FITCH, THOMAS H. PRICE, SAMUEL BUNTS, BENJAMIN LAWHEAD, HIGHTON, VAN WAGGONER, and myself,† who belonged to the Fort Defiance company—making thirteen in number. Previous to our departure, some dissatisfaction was expressed by some of the men relative to being placed under the leadership of Lieut. BRACKEN, who was entitled to the command of those who belonged to the fort company. Capt. HOARD consulted me as to the best course to be pursued, and I advised placing the men under the command of R. H. KIRKPATRICK, who afterwards became Major; and this was accordingly done, and the men proceeded under him. I state this in justice to Maj. KIRKPATRICK, who is now dead, and in consequence of seeing Gen. BRACKEN's statement in Gen. SMITH's history, claiming to have commanded this detachment. It is a matter of some surprise to me, that Gen. SMITH should have so far disregarded the truth and impartiality of history, as to have given Gen. BRACKEN's statement, and at the same time suppressed others relative to this affair and Pecatonica battle, which I know were placed in his hands. Other mistakes there are in his history, but

* This occurred on the 14th of June, 1832.

L. C. D.

† Gen. BRACKEN gives the additional name of one McCONNELL.

L. C. D.

they may have been made inadvertently, without having the proper lights to guide him.

In consequence of this momentary dissatisfaction about the command, Lieut. BRACKEN, with BENJAMIN LAWHEAD started in advance of the detachment, but we overtook them previous to reaching Fort Hamilton, where we arrived about midnight, and remained till morning. We found the fort and its occupants in the greatest confusion, with no quarters or refreshments for us, and we had to shift as best we could. Some others here joined our party, and some further altercation occurring about the command, an election was regularly held, and R. H. KIRKPATRICK was chosen. The detachment then proceeded to the scene of the murder, under the guidance of BENNET MILLION, who was one of the party attacked, and had almost miraculously made his escape, after a chase of fifteen miles, and having swam the Pecatonica five times during the chase, and at length arrived at Fort Hamilton, in full lope, about an hour by sun.

The first thing that presented itself to us at the scene of murder, was the headless body of the unfortunate SPAFFORD, who, it seems from MILLION's statement, was killed at the first fire of the Indians, and was found near where the attack was made. Except where shot, and the decapitation, there were no mutilations of the body; we found the missing head on the bank of the river, some hundred yards from the body, with pretty much all the hair taken off, which was of a fine glossy appearance, and hence the reason of their taking it all. The bodies of SEARLS, McILWAIN, and an Englishman called JOHNNY BULL, were found upon the opposite bank of the river, most shockingly mangled and mutilated. The body of SPENCER, who was supposed to have been killed at the same time, could no where be found. The other four bodies were brought together, and buried in one common grave, presenting a most appalling spectacle, such as only men of nerve could have witnessed with any degree of composure. While these solemn obsequies were being performed, a force was constantly reconnoitering the surrounding country in search of the

yet unfound body of SPENCER, and to see that there were no Indians lurking in our vicinity, to take us by surprise. After burying our unfortunate friends, who had fallen victims through their anxiety to raise a crop of corn, we continued the search for SPENCER's body till evening. I must bear my testimony to the prudent, cautious and sagacious manner, in which this expedition was conducted by Maj. KIRKPATRICK, the officer in command.

When at night we returned to Fort Hamilton, we found Capt. GENTRY there with a portion of his company, when our detachment fell under his command. After some refreshments, the first of which we had partaken since leaving Fort Defiance, a council was held, in which it was determined, that in the event of Col. DODGE failing to arrive by eight o'clock next morning, the force then under command of Capt. GENTRY, would pursue the Indians, and make a further search for the body of SPENCER. The night passed without any unusual occurrence. Just as our men were about starting the next morning, in pursuance of the arrangements agreed on, Col. DODGE arrived in company with THOMAS JENKINS and JOHN MESSERSMITH, Jr., the Colonel, in point of fact, having out-riden the others, arrived some ten or fifteen minutes ahead of them.

It seems, that upon receiving the express at Dodgeville, Col. DODGE with JENKINS and MESSERSMITH, had started for Fort Hamilton by the way of Blue Mounds, where were some fresh horses and men—a portion of Capt. GENTRY's command; and leaving orders for them to proceed immediately to Fort Hamilton, Col. DODGE continued his route, by way of Fretwell's Diggings, and arrived at Fort Hamilton as before stated. But a little previous to his arrival, he had left the main road, and taken a by-way, which somewhat shortened the distance; and on coming into the main road again, he met one APPLE, a German, who had a good horse, which Capt. GENTRY that morning was about to impress into the service, when APPLE promised him, if he would allow him to go to his cabin after his blankets, he would accompany us on our expedition. This was by many supposed to be merely an excuse to get away,

and thus avoid going himself, or letting his horse go. However, he had proceeded but a short distance, after leaving Col. DODGE, when he fell into an ambuscade, and was literally shot to pieces. It appeared afterwards, that the Indians had first way-laid the path by which Col. DODGE approached the fort, which passed through quite a thick point of woods; but, in the morning, seeing some of the men from the fort pass up to the field for some grain, by the way of the main road, which kept round more in the open ground, they changed their position and went there. Thus had Col. DODGE arrived half an hour earlier, or had he kept around the main road, he would undoubtedly have fallen a victim instead of the unfortunate German.

Almost at the same moment of Col. DODGE dismounting at the fort, the horse of APPLE came running up near Capt. GENTRY's command, who were some distance from the fort, Capt. GENTRY directed my son, who was then a mere boy, to run and bring APPLE's horse to him, which he did. Upon seeing the horse with a bullet hole through his ear, and one through the top of his neck, the saddle bloody, and recollecting the report of guns a few moments before, there could be no mistake as to what had taken place; all called out at once that APPLE was killed. All was instantly wild excitement and disorder, and but for the stern, determined will of Capt. GENTRY, aided somewhat by Maj. KIRKPATRICK, Lieut. BRACKEN and myself, instead of the successful pursuit and defeat of the Indians, a failure might, and I think would, have been the consequence. In a company of thirty or forty men, there are almost invariably some who possess so excitable and enthusiastic temperaments, as to lose all presence of mind, or self-control, though brave it may be, even to a fault. This was the case in the present instance. When it was ascertained that APPLE was unquestionably killed, quite a number of men of this description mounted their horses without orders, and were upon the act of rushing indiscriminately after the Indians. Captain GENTRY rushed to their front, and ordered them, in the most peremptory manner, as their captain, to halt, reminding them of

STILLMAN's *Defeat* being brought about perhaps by similar movements and insubordination, and then declaring, that he would shoot the first man who attempted to advance until ordered to do so by Col. DODGE, who would be there in a few moments.

Upon his arrival, Col. DODGE ordered the men to mount and form in line, when he addressed them to this effect: "Fellow soldiers! we shall immediately follow the Indians, whose hands are now reeking with the blood of one of our neighbors and fellow citizens whom they have just slain. We must overtake them, if possible. Their numbers are unknown; but numerous as they may be, I shall charge them sword in hand; and if there are any among you who think you cannot do this, you will fall back now, as I want none with me, except those upon whom I can rely, with the utmost confidence, in any and every emergency." The order was then given to advance at full speed, but none fell back. We were soon upon their trail, passing the mangled corpse of APPLE, which we left in the hands of the fort men for interment.

The trail led through an almost impassable thicket of underbrush, tree tops, prickly ash, grape vines, briars, and every thing calculated to retard our speed. We finally succeeded in dislodging them from the thicket, and making our way through it; but when we came to the open prairie, the Indians were far in advance of our front, our line being extended for perhaps half a mile in length, owing to the difficulty of the men getting through the thicket. The pursuit was somewhat promiscuous, every one taking his own course. Col. DODGE, Capt. GENTRY, Lieut. BEQUETTE, JOHN MESSERSMITH, Jr., JOHN HOOD, and I, formed the advance. We came pretty nearly up to the Indians on the open prairie, about two miles from the timber; when I suggested to Col. DODGE the propriety of commencing an attack upon them; but before the remainder of the command, who were close at hand, and coming up at full speed, had joined us, the Indians had crossed a deep creek in the prairie, of which we knew nothing, and which was of difficult passage for horses. This retarded us a

little, which enabled the Indians to reach the main Pecatonica, and were crossing it just as we came up in full view of them again; and some shots were exchanged here, but without effect, the distance being too great.

Just after the Indians had effected a passage of the river, which was then much swollen, Capt. GENTRY and I effected a crossing by swimming our horses. ASA DUNCAN made the same attempt, but did not succeed. This placed Capt. GENTRY and myself upon the same side of the river with the Indians, where we could command a full view of their movements, and which perhaps decided them upon making no further attempts to escape, but to prepare to fight. They then marched leisurely into a grove in the bend of the river, and secreted themselves under the bank of a deep slough, which had no doubt at some former period, been the bed of the river. This embankment was surrounded and sheltered with thick under-brush and trees.

In the meantime, Col. DODGE had, with the remainder of the men, effected a crossing higher up the river, at a ford on an old Indian trail, and were dismounted at the head of the grove in which the Indians were concealed. Capt. GENTRY said to me, "Col. PARKISON, you may remain here, if you will, as you are on a fleet horse, and I will go to Col. DODGE, and conduct him this way to the Indians, and then you can join us." I consented to this arrangement; but before Capt. GENTRY reached Col. DODGE, he mired his horse in a slough, which he was attempting to cross, and lost his gun. Col. DODGE had made one advance through the grove, and came out in sight of where I was posted. I then conducted him to the point where the Indians entered the grove, and found their trail; upon which we marched in an extended line, keeping the trail at the centre of our line.

When we had advanced upon the trail about two hundred yards with death-like stillness, the enemys' whereabouts was suddenly announced to us by a volley of fire arms, accompanied by the most terrific yells. But we were not in the least daunted, and Col. DODGE instantly gave the order to charge, which was prompt-

ly obeyed, and in less than two minutes every Indian was killed and scalped. In their first fire, they shot three of our men, mortally wounding BLACK and MORRIS, and slightly wounding THOMAS JENKINS. In the charge upon the bank, WELLS was mortally wounded. Thus ended this short but sanguinary conflict. The entire war-party was exterminated, leaving not one to bear the sad tidings to their Chief and people, that Col. DODGE and his warriors were not, in fact, of "*the soft-shelled breed.*" *

All our men behaved well, indeed valiantly, without distinction. Col. DODGE, in his official report of the engagement, says: "The volunteers under my command, behaved with great bravery and gallantry; it would be impossible for me to discriminate between them." This battle was fought on the 16th of June; and the names of the persons who participated in it, are: Col. DODGE, Lieut. BEQUETTE, Lieut. BRACKEN, Lieut. D. M. PARKISON, Lieut. PORTER, R. H. KIRKPATRICK, Dr. ALLEN HILL, surgeon, THOMAS JENKINS, W. W. WOODBRIDGE, JOHN MESSERSMITH, Jr., ASA DUNCAN, BENJAMIN LAWHEAD, SAMUEL PATRICK, WILLIAM CARNES, JOHN HODD, LEVIN LEACH, ALEXANDER HIGGINBOTHAM, SAMUEL BLACK, DOMINICK MCGRAW, PETER PARKISON, Jr., SAMUEL BUNTS, VAN WAGGONER, WELLS, MORRIS, and RANKIN. Capt. GENTRY joined us just as the firing ceased; and M. G. FITCH and another man were posted as sentinels, to watch the retreat of the Indians, should they attempt any.

We then conveyed our wounded men, partly by litter, and partly by wagon, to Fort Hamilton. On our way there, we met EDWARD BEOUCHARD,† and a number of Winnebagoes, Sioux, and

* Some idea of the brief space of time occupied in this desperate hand-to-hand conflict, may be gathered from the graphic description of one of the volunteers, JOHN MESSERSMITH, Jr., as related in Gen. SMITH'S History:—"I fired my yager; let it drop—drew out my left pistol; fired it at an Indian—let the pistol fall—drew out my right pistol; fired at another Indian—was pouring powder in my hand to re-load, when one of our company said, 'They are all dead!'" I. C. D.

† BEOUCHARD, in his statement in Gen. SMITH'S History, claims to have reached the battle just as the firing commenced, and to have taken part in it; and he gives the additional name of DEVIES as one of the participants, and Gen. BRACKEN speaks of one DEVEE—doubtless the same person. Gen. BRACKEN also gives the name of THOMAS H. PRICE as one of Gen. DODGE'S party. There were four men in charge of the horses, two of whom, according to Gen. BRACKEN, were PRICE and a youth named TOWNSEND;

Menomonees, with whom Col. HAMILTON had arrived about the time of our fight with the Sauks. These Indians had come down for the purpose of assisting us in fighting the Sanks and Foxes; but after a few days talking and counselling with Col. DODGE, Col. GRATIOT and Col. HAMILTON, and eating up a great deal of our beef, they became discontented and departed, frightening the inhabitants of the country through which they passed. Col. DODGE was anxious to have retained them as spies, but I think we were better off without them, as they were a cowardly and treacherous set of miserable fellows.

About this time, some of these Indians, with some of the white men of the fort, went to the house of Mr. B. MILLION, the father of the young man who made his escape from the Indians at SPAFFORD's farm, for some provisions, where they were thrown into the greatest consternation by the appearance of a man rushing frantically from a corn-crib towards them. He proved to be SPENCER, supposed to have been killed at SPAFFORD's farm. He said, that in the affair at SPAFFORD's, instead of attempting to cross the river as the others did, he ran down the stream, and hid in the mouth of a branch, until an Indian came near him on horseback whom he shot, and then fled across the bottom in the the direction of the fort, but finding two Indians pursuing him, he secreted himself in a thicket until the day after the battle of Pecatonica, when he ventured up in sight of the fort. Seeing it surrounded by Indians, and having heard our firing, he concluded that the fort had evidently fallen into the hands of the enemy, and fled with terror to the woods, where he would remain quite hidden during the day, and in the night would venture out to this deserted house of MILLION's, to seek provisions. In his rambles

and four others, according to Col. DODGE's account, and BEOUCHARD's statement, were placed so as to watch the enemy, should they attempt to escape. In one letter, Col. DODGE speaks of eighteen men, and in another, twenty-one, being actually engaged in the charge. Gen. BRACKEN states that the charging party numbered twenty-one, including Col. DODGE. If, then, there were twenty-one in the charge, four holding horses, four videttes or spies, and Capt. GENTRY belated in miring his horse and losing his gun, we have just thirty; which is precisely the number whose names are given by Col. PARKISON and Gen. BRACKEN, to say nothing of BEOUCHARD, and the man who was a vidette with M. G. FITCH—as this unnamed vidette may have been one of the thirty already indicated. L. C. D.

during the night, he ran upon an Indian, shot at him, and then ran himself. In the succeeding winter, he became so frenzied and flighty in consequence of his frights on this occasion, that he wandered off—no one ever knew where.

After the battle of Pecatonica, the volunteers returned to their respective forts. The wounded men, WELLS and MORRIS, were left at Fort Hamilton, where they both died in about two weeks; SAMUEL BLACK, a noble and brave young man, was taken to Fort Defiance, among his friends, where he died in about nine days, lamented by all who knew him.

On the 18th of June, the fifth volunteer company was formed, of which I was chosen captain, and SAMUEL PATRICK and MATTHEW G. FITCH respectively first and second lieutenants. After the formation of this company, I accompanied Col. DODGE, with a portion of Capt. GENTRY's company, to the Blue Mounds, for the purpose of burying Lient. FORCE and Mr. GREEN, who had been killed* about two miles from the fort by a party of about forty Indians, supposed to have been partly Winnebagoes. We buried FORCE—GREEN had been interred before our arrival. I made a reconnoissance in the direction of the head waters of Sugar Creek, but not finding the trail of the Indians, we returned to the fort the next day, when Col. DODGE with Capt. GENTRY's company returned to Fort Union, his head-quarters, near Dodgeville. I was left with my company to guard the fort at the Blue Mounds, where I remained four days, during which I reconnoitered the surrounding country for some distance. While there, I received for myself and company, the kindest hospitality of Col. EBENEZER BRIGHAM. I was then ordered to return to Fort Defiance, and make immediate preparations for an expedition against BLACK HAWK, who was then said to be encamped, with his entire force, on Kosh-konong Lake.

Previous to this time, numerous depredations had been committed by the Indians, and some bloody conflicts had taken place.

* On the 20th of June.

A man had been killed near Kellogg's Old Grove; and St. VRAIN, HALE, FOWLER and HAWLEY were also killed, while their companions, ALEXANDER HIGGINBOTHAM, AQUILLA FLOYD, and one McKINNEY, made their escape after being hotly pursued nearly the entire day. Two men were killed near the Sinsiniwa Mound; the fort at Apple River was attacked, one man killed, and quite a number of cattle driven off; Capt. STEPHENSON had a severe conflict with a party of Indians on the head of Yellow Creek, in which he lost three men, and was himself wounded, and compelled to abandon the field; and Capt. SNYDER and Gen. WHITESIDE had a small conflict with them near Buffalo Grove.

On the 25th of June, while Maj. JOHN DEMENT was encamped at Kellogg's Old Grove, with the spy battalion of Gen. POSEY's brigade, some three or four Indians were discovered near the encampment, when many of the excitable and enthusiastic volunteers, without consideration, commenced a disorderly pursuit, despite the remonstrances of Maj. DEMENT. The result was, that they were led into an ambuscade, some of them killed, and the rest generally so frightened by the yells of the Indians, that a tumultuous retreat commenced; and the Indians, flushed with victory, pursued them to the very verge of their encampment, which was composed of some substantial log houses. Here the whites rallied, and kept off the Indians, but while the contest lasted, some twenty or thirty horses, belonging to the volunteers, were killed. It is said, and I believe with truth, that Maj. DEMENT acted with great bravery, and made every exertion to rally his men upon the prairie, so much so as to attract the admiration of BLACK HAWK himself, who afterwards said, "The young chief talked much and loud, in trying to rally his men, and deserved much credit for his bravery."

About the 28th of June, all the forces under Col. DODGE's command, rendezvoused at Fort Hamilton, where they were met by Gen. POSEY's brigade, preparatory to commencing an expedition to Kosh-ko-nong Lake, where, according to the plan previously devised, we were to meet Gen. ATKINSON, with the other two

divisions of the army. Maj. DEMENT's battalion and some others of POSEY's brigade, were anxious that Gen. DODGE should take the command of all the forces in that division of the army; an election was held, but the Illinois volunteers, as a matter of State pride, still preferred Gen. POSEY, who was elected by a small majority. The division was then put in motion for the point of destination. Col. DODGE's command then consisted of five companies, numbering about two hundred men, including Capt. STEPHENSON's Galena company.

We encamped the first night, at the East Pecatonica, which we had much difficulty in crossing, having to swim our horses, and raft over our baggage. The second night our encampment was at DEVER's old smelting establishment, on Sugar River, where Capt. STEPHENSON's company joined us. We then proceeded by way of the Four Lakes, where we were joined by the Winnebago chief WHITE CROW. Col. W. S. HAMILTON had joined us the night before, with some Indians and some white volunteers, who were designated as the scouting party of Col. DODGE's command. Capt. STEPHENSON, in the meantime, had been elected Major of Col. DODGE's command; and the Colonel's staff consisted, at this time, of Maj. R. H. KIRKPATRICK as aid, W. W. WOODBRIDGE Adjutant, and JAMES P. COX, Sergeant-Major.

The WHITE CROW proffered to conduct us to BLACK HAWK's encampment, which, he said, was on Rock River, near the Kosh-kong. Under his guidance, we advanced for several days over almost impassable swamps, until within a short distance of the locality as described by WHITE CROW, when we were met by an express from Gen. ATKINSON, ordering us to proceed immediately to his encampment on Bark River. Col. DODGE felt somewhat vexed to be thus thwarted in his purpose, and remarked, that he was crippled in every movement he wished to make, by untimely expresses. In obedience to orders, we proceeded to head quarters. The night previously, a volunteer had been killed, and Gen. ATKINSON thinking the enemy near at hand, was desirous of

concentrating all his forces, preparatory to a general engagement, which he contemplated bringing on the next day.

But when Col. HAMILTON and his scouts reconnoitered BLACK HAWK's camp the next morning, it was ascertained that he had decamped, with his whole force. It was discovered that he had occupied a most advantageous position for defence—a high declivity sloping to the river, which at that point was full of large boulders, rendering its passage extremely difficult; and from the apparent anxiety of the WHITE CROW and his party to lead us there, it was, with much reason supposed, that he was acting in concert with BLACK HAWK, to bring on an engagement at that point, with the left wing of the army. Had this succeeded, the volunteers must, if not beaten, at least have suffered severely.

At this time, and at Gen. ATKINSON's encampment, Capt. CHARLES DUNN, since Chief Justice of Wisconsin, and now a member of the State Senate, while acting as officer of the day, and going around to relieve the guard, was unfortunately shot by one of the sentinels, and dangerously wounded. He was so disabled, as to be compelled to return home, being conveyed to Dixon by an escort.

Gens. HENRY and ALEXANDER, and Col. DODGE, with their respective commands, were ordered to Fort Winnebago for provisions, and Gen. POSEY's brigade was ordered to the Mining Region for the protection of the forts and settlements in that quarter. Arriving at Fort Winnebago, Col. DODGE ascertained, through the Winnebagoes, that the Sauks and Foxes had moved up Rock River, and were then at the Rapids. He immediately called a council of his own officers, and those of the other two commands, at which he communicated the intelligence he had derived from the Winnebagoes, and proposed to return to Gen. ATKINSON's camp by way of the Rapids. Gen. ALEXANDER objected, stating that it would be a violation of Gen. ATKINSON's orders, which were to return immediately; and Col. DODGE rejoined, that as there was no route specified in the orders, he thought they might return by any route they should deem proper. Gen. HENRY co-

ncided with this opinion, and he and Col. DODGE agreed to return with their commands, by way of Rock River Rapids, leaving Gen. ALEXANDER to take the back trail.

Preparations were immediately made for proceeding. All the worn down horses that were regarded as unfit for the expedition, were sent home to the Mining country, and Maj. STEPHENSON'S company, with himself at their head, nearly all leaving, thus reducing Col. DODGE'S effective force to about one hundred and fifty; and Gen. HENRY'S force was also greatly reduced, so that both commands did not, at this time, exceed six hundred men.— Taking Mr. POQUETTE with us as interpreter, and some Winnebagoes as guides, we set out, and on the third day arrived at the Rapids, (now Heustisford;) but, to our great surprise, found no Indians there, except some emaciated Winnebagoes, who told us that the Sauks and Foxes had moved farther up the river, to the Cranberry Lakes. We thereupon encamped for the night, posting both a double guard, and a double picket guard; dispatching, meanwhile, an express to Gen. ATKINSON, borne by Adjutant WOODBRIDGE of DODGE'S battallion, and Dr. MERRIMAN, one of Gen. HENRY'S adjutants, with a Winnebago for a guide. When they had proceeded about eight or nine miles, they came across one of the main trails of the enemy, plainly pointing out their route as making towards the west. They at once returned, and as they approached the camp, they were fired on by one of the picket sentinels, and Adjutant WOODBRIDGE was barely missed.

This new information entirely changed our plan of operations, for instead of marching up the river as we intended, we marched down it early the next morning, and at a rapid pace. The express was continued to Gen. ATKINSON, by the same men selected the previous day for that service. We advanced rapidly upon the trails, which consisted of three—one main center, and two flanking trails. The first night we camped on the trail, we were literally drenched with rain; and it was with the greatest difficulty that we were enabled to make any fire by which to cook our supper. The second night, we encamped on the east end of

Third Lake; and, previously to our arriving there, our scouts discovered a large force of Indians, who made a feint to attack us, when we at once formed into order of battle. Seeing this movement of ours, they made a precipitous flight into the woods surrounding the lake. We then advanced a short distance, and took up our encampment. That night our scouts discovered many Indians, and it appeared from information received the next morning from a Winnebago, that about one half of the main body of the Sauks and Foxes took post near the crossing of the Catfish, on the eastern confines of the city of Madison, with the intention of there attacking us, should we attempt a night pursuit; but as we did not, they left about midnight.

The next morning—the memorable 21st of July—we were upon their trail by sunrise, with every expectation of overtaking them soon. The march or pursuit was consequently rapid. On the bank of the Third Lake, near where the Lake House in Madison now stands, our advance guard killed an Indian, who, the Winnebago Indian before alluded to, informed us, was sitting upon the grave of his wife, who had perhaps died of fatigue, hunger* and exhaustion, and her disconsolate companion had resolved to await the advancing foe, and die there also; and he boldly bared his naked breast, and presented a full front, as a willing target for the balls of the scouts. He but too soon met the death he coveted. This may be thought to have been cruel on the part of the scouts; but it will be recollected, that our motto was, “*no quarters*,” and besides, in such an exciting pursuit, there was little time to deliberate as to their course of action in such a case, even had they then been aware of the attending circumstances.

In our pursuit, we passed an encampment on what is now called Pheasant Branch, at the head of Fourth Lake, where was

* BLACK HAWK, in his auto-biography, mentions, that in the region of the Four Lakes, he and his people “were hard put to, to obtain enough to eat to support nature;” that they were forced to subsist on roots and bark of trees—hence the name of *Bark River*, above Kosh-ko-nong; and that several of their “old people became so much reduced, as actually to die with hunger.” He adds, that after crossing the Wisconsin, his people were in a desperate condition, starving from hunger, and that on the route to the Bad Ax, several old men and children perished from that cause. L. C. D.

a freshly made Indian grave, where a squaw was buried, supposed to have died the night before. About five miles from this place, our scouts killed an Indian, who said he was a Winnebago; and when in the act of falling, he fired his rifle, wounding one of the volunteers of Capt. CLARK's company. From this point, our scouts were continually chasing the Indians, and being in turn chased by them. Consequently the march became almost a flight in pursuit of the enemy. Upon one occasion, we were thrown into order of battle, but the enemy immediately receded, and a running fire was then kept up almost constantly by our scouts and the rear guard of the Indians*, until the main battle was fought. It was brought about by the chasing of our scouts, who were commanded by Capt. JOSEPH DICKSON, now of Grant county, by a large body of the enemy who had been secreted in the low bottom of the Wisconsin River. While they were pursuing the scouts up a long slope, the advance portion of our men were rapidly ascending from the opposite side, and, as a consequence, we met near the top.

Here we had barely time to form ourselves in battle order. Col. DODGE's command, of which my company formed a part, and Col. Wm. L. D. EWING's formed the front, and were barely faced about, when the enemy commenced firing upon us. We returned the fire with great rapidity, and with deadly aim, as it was ascertained that forty-eight of the enemy were killed in this charge. My orderly sargeant, JOHN McNAIR, was wounded in this onset, by a shot in the thigh, but was not conscious of it until the firing ceased, and the enemy had fled. By this time, the remainder of Gen. HENRY's command, except the command of Col. FRY, a part of whom were dragoons, was brought into line of battle, and which was within ten minutes after the firing commenced.

As an act of justice to Gen. HENRY and his command, I would

* BLACK HAWK states that this rear party consisted of only *twenty* warriors, commanded by NE-APPORE; but no reliance can be placed in his statement of his own numbers, for he says he had only fifty warriors altogether in the battle that ensued, the rest being engaged in assisting the squaws and children in crossing the river—and that they only fought at all, which was doubtless true, in order to gain time for their squaws, children and old persons to pass the river.

here remark, that Gen. SMITH's historical narrative of the march after we left the Four Lakes, and of the battle, is not altogether correct. The General says: "The advance was commanded by Col. WM. L. D. EWING, but Col. DODGE's command becoming dissatisfied with what they considered a tardy march, broke off to the right and left, and took the front;" and, furthermore: "The position of Col. DODGE was maintained under a constant fire from the Indians for fully an hour before the line of battle was formed by the arrival of Gen. HENRY with the rest of his brigade." Now, according to my recollection, and which I am confident is correct in this particular, the facts are, that Col. DODGE's command marched in front *all that day*, as well as on all the previous days of the pursuit; that Gen. HENRY's entire command kept close in our rear, and were there when the engagement commenced, and were in line of battle, in ten minutes at most after the first firing. But it is true, that Colonels DODGE and EWING's commands alone received the fire of the first charge of the enemy.

After the line of battle was now fully formed, which was upon a high eminence, and in open ground, considerable firing was kept up by the Indians, who had taken shelter in some underbrush upon the brink of the opposite declivity, by which seven of our brave volunteers were wounded, and one killed—two of the wounded belonged to Capt. CLARK's company, and the others to Colonels JONES and COLLINS' regiments; and the man who was killed, was named SHORT, and belonged to Col. JONES' command. It was Col. JONES who had his horse shot from under him, and not Col. COLLINS as stated in Gen. SMITH's History. Seeing that our men were suffering more in this firing than perhaps the enemy were, though we were not idle, I stepped to Col. DODGE, and suggested the propriety of a charge; and he immediately suggested it to Gen. HENRY, when the charge was at once ordered. The enemy were at once dislodged from their hiding place, and in their flight, twenty more of them were slain and scalped, making in all sixty eight of the enemy killed in the battle. This is my recollection of the matter, and which is corroborated, I believe,

by Gen. ATKINSON's report to the War Department*. We pursued them to the bottom of the Wisconsin, where³ we reached the tall grass, which was wet, it having rained nearly the entire afternoon of that day, and it being now nearly dark, the pursuit was continued no farther.

We returned to camp, and just after supper, we were cheered by the arrival of Adjutant WOODBRIDGE and Adjutant MERRIMAN, who, it will be recollected, had been sent from the Rapids of Rock River, as an express to Gen. ATKINSON, on Bark River. With them came Capt. JAMES B. ESTES, who claims to have been in the battle, but was, according to my recollection, about two hours too late. Our interpreter, Mr. POQUETTE, and our Indian spies who had accompanied us from Fort Winnebago, left us immediately after the battle. This turned out to have been an unfortunate event; for that same night, the silence of our camp was broken by the loud shrill voice of an Indian from the summit of one of the highest peaks in that vicinity, haranguing, as we supposed, his warriors preparatory to an attack upon us.

Although we were well posted, and surrounded with a double guard, yet it naturally produced some excitement, and was well calculated to test the coolness and material of our officers and men. We then thought that BLACK HAWK's entire force was being brought to bear upon us in a night attack—the most to be dreaded of all attacks, especially when made by an Indian enemy. Our material proved good; no man showed the white feather, and our commanders, in concert with the Indian orator, harangued their men in the most stirring manner. Gen. HENRY, in particular, addressed his men in a most patriotic strain, reminding them of

* In Gen. ATKINSON's report of the battle of Bad Ax, he says: "It is ascertained from our prisoners, that the enemy lost in the battle of the Wisconsin, sixty-eight killed and a very large number wounded." Capt. ESTES, in his narrative in Gen. SMITH'S work, states the Indian loss at sixty-eight. BROUARD states, that he learned after the war from some of the Sauks, that BLACK HAWK lost sixty-nine in the battle, and that thirteen died on their way to the mouth of the Bad Ax. Gen. BRACKEN speaks, not of his own knowledge, but of those who had better opportunities of knowing, that the Indian loss was between forty and fifty killed on the field, and the number wounded unknown, as they were carried away. Yet, strange to say, BLACK HAWK, in his narrative, admits the loss of only six killed in the battle.

the discredit already brought upon the Sucker arms by the defeat of Maj. STILLMAN, and other similar disasters, appealing to them in the name of their Sucker mothers, to vindicate the valor of the Suckers and the Sucker State. In fact, it was often remarked afterwards, that he made a great Sucker speech, under the impulse of which, his men, no doubt, would have well vindicated, as they had the preceding day, the valor of the Sucker arms.

It was afterwards ascertained, however, that the Indian Chief was making propositions of peace, instead of urging or cheering on his warriors to battle, which no doubt would have been accepted, had the Winnebagoes been in camp. The proposals were said to have been, that the Sauks and Foxes would surrender themselves all up, at discretion, and only asked protection for the lives of their women and children. But hearing no response, and supposing the Winnebagoes were with us, they concluded that their proposals were not acceptable, and no mercy would be shown them; and consequently every effort was then made to remove as fast as possible out of the country.

The next day we buried our slain companion, SHORT, and made litters for the conveyance of the wounded. Expresses were sent to Gen. ATKINSON, and to Prairie du Chien, after having marched in the morning to the Wisconsin, and ascertained that the Indians during the night had all effected a crossing. The following morning, the whole command marched for the Blue Mounds, where we arrived at night, after one of the most fatiguing days that was experienced during the war. The difficulty of conveying our wounded men on litters for thirty miles, over almost impassable creeks, through swamps, over hills, and through thick woods, by a winding path, was attended with fatigue and difficulty of which no one can well conceive.

Here I must relate an amusing, and withal, at the time, an alarming incident of the day—one which I can never forget. Although JOHN McNAIR's wound was a flesh one, yet it was so excruciatingly painful, that it was only with the greatest difficulty he could be conveyed in any way. Being my Orderly Sergeant,

and much attached to me, he particularly requested me to stay with him, saying the boys would kill him almost, 'if I were not along. Desirous to gratify him, I placed my company under command of my lieutenant, MATTHEW G. FITCH, and remained constantly with him. After having carried him in my arms through several creeks, we at length arrived on the top of the East Blue Mound, which is almost a mountain. The litter, by this time, had become so broken, by the horses, between two of which it was swung, having to wind and twist along the narrow and devious path by which we ascended the Mound, that it would no longer answer to carry him. Here was a dilemma; the litter was broken up, it was dark, and McNAIR declaring that he could not ride on horseback; and the company was far in advance, with all the provisions and necessary materials for camping. How we could best extricate ourselves from the difficulties besetting our situation, was a question of no easy solution, and yet it must be done. I at length said, "Boys, bring the horses and fragments of the litter to the foot of the Mound, and I will carry MACK down, and then we will mend up the litter so that it will carry him on to the encampment."

I took him up in my arms, although he weighed about one hundred pounds, and after going down the Mound, which was quite steep, I was compelled to lay him down. It seems that I either laid him on, or so near, a large yellow rattle-snake, as very much to disturb his snakeship's equilibrium, and he set up such a terrible rattling or whizzing as to frighten me much—the boys all fled precipitately, and I jumped back several paces. The poor fellow cried out in the most supplicating manner, "O, Captain, for God's sake, don't leave me here to be devoured by these d—d snakes!"—for, by this time, there were evidently two of them; and from the noise, in the stillness of the night, and in the midst of a dense forest, there seemed to be legions of them giving their fearful notes of warning. Recovering from my momentary fright, and feeling the necessity of instant action, I "pitched in," as politicians say, caught the poor fellow by the heels, and dragged him

unceremoniously out of so dangerous a proximity to a ten times more frightful enemy than BLACK HAWK and all his warriors—and, remarkable to relate, the poor fellow never uttered a groan. After the panic was a little over, I broke the silence by asking—“MACK, don't you think you can ride on horseback *now*?” To which he instantly replied: “O, God! yes—ride, or any thing.” And thus, in due time, we reached the camp of our company.

Having partaken of some refreshments, I was relating MCNAIR's conduct on the field of battle—how, when I directed him, after it was discovered that he was wounded, to fall into the rear, he replied, “O, God! Captain, I must have another shot;” and contrasted this with his adventure with the rattle-snakes. He very meekly replied, “Well, Captain, I always was d—d afraid of snakes.” Poor MACK, he never fully recovered from the effects of his wound; as slight as it seemed to be, he was lame for life. He was an honest and worthy man, and was at the time of his death, which was nearly four years since, and had been for many years, the Treasurer of Iowa county. The adventure with the rattlesnakes was always considered a standing joke sufficiently good, to call out a treat from MACK at any time when related. This incident took place on the 23d day of July, the battle having been fought on the 21st.*

The next morning after arriving at the Mounds, Col. DODGE's command were dismissed to their respective forts for a new supply of provisions, and Gen. HENRY's troops also obtained a supply.

* We find in the *Mineral Point Tribune* of October 21st, 1852, the following notice of Col. MCNAIR: “Died in this village on Thursday morning, the 14th inst., of apoplexy, Col. JOHN MCNAIR, in the fifty-eighth year of his age. He was a native of Fayette county, Kentucky, and migrated to the Lead Mines in 1827, and has been for upwards of twenty-four years, a citizen of Mineral Point and its vicinity. He served as an officer of the 17th Regiment of U. S. Infantry, in the war of 1812, also as a volunteer under Gen. HENRY DODGE in the Black Hawk war in 1832, and was severely wounded at the battle of the Wisconsin, for which he drew a pension from the Government. At the time of his death, he was Treasurer of this county, and was nominated, but a few days before his death, for re-election. He was a man of kind and humane feelings, ever ready to search out, and contribute to the wants of the poor. Always faithful in the discharge of every duty, both public and private, he had endeared himself to all who knew him, and his loss will long be felt and mourned by a large portion of our community.”

Gen. ATKINSON,† who had broken up his encampment on Bark River, soon arrived with his troops, so that on the 26th of the month the entire army rendezvoused at Helena, on the Wisconsin, and soon crossed the river, and took the Indian trail, which was down the valley, and was rendered quite offensive by the stench of numerous dead bodies of the enemy, who had no doubt died in consequence of their wounds received in the battle of Wisconsin. On the 2nd of August, the Indians were overtaken, and most disastrously beaten. Here, as at the battle of Wisconsin, Col. DODGE's command occupied the front rank, the engagement having been brought on by Capt. DICKSON, who still commanded the spies, and who was wounded in the conflict. It was more a massacre than a battle, as the Indians only fought as they were compelled to; many of them were killed as they were crossing the river, women and children as well as men. This was the closing conflict of the war. BLACK HAWK was soon after taken prisoner, and conducted through the principal cities of the Union. I may add, in this connection, that in consequence of the illness of my wife, I changed commands with Capt. HOARD; and what I relate of the movements of the army after its departure from Helena, I have derived from Capt. HOARD, and one of my sons, who also served on the expedition.

Thus ended all our Indian difficulties, and from that period the progress of Wisconsin has been rapid, unexampled and astonishing; and if in future her laws shall be made and executed by wise, honest and discreet men, she must soon attain an eminence of great distinction. Having migrated here at an early period, and having been actively engaged in sanguinary conflicts, and in repelling savage invasions, for the safety and preservation of our infant settlements; and having moreover, taken some humble part in the early councils of Wisconsin, I cannot but feel

† Gen. ATKINSON was a native of North Carolina; he entered the army in 1808, and served with credit during the war of 1812, and during the Indian troubles in Wisconsin, as we have seen in 1827 and 1832. He was stationed long on the western frontier, and the Indians called him the WHITE BRAVER. He died at Jefferson Barracks, near St. Louis, June 20th, 1842, aged about 60 years.

a deep and abiding interest in the welfare and prosperity of the State of my adoption. And if the brief and imperfect sketch of my pioneer life, together with my recollections of the Winnebago and Black Hawk Indian wars, shall enable the future historian to glean any thing worthy of being perpetuated, my fullest desire will have been accomplished.

APPENDIX No. 10.

PEKATONICA BATTLE CONTROVERSY.*

BY GEN. CHARLES BRACKEN AND MAJ. PETER PARKISON, JR.

WALNUT GROVE, Oct. 3, 1852.

To GEN. WM. R. SMITH, State Historian :

DEAR SIR—In accordance with my promise, I herewith transmit to you an account of the murder of SPAFFORD and others, during the *Black Hawk war*, together with the details of the "Battle of the Pekatonica," fought on the 16th day of June, 1832, at the Horse Shoe Bend, on that stream, and on Section Eleven, Town Two, Range Five East, in this County.

Very respectfully,

Your obedient servant,

CHARLES BRACKEN.

BATTLE OF THE PEKATONICA.

About sundown, on the 14th of June, 1832, a horseman without a hat, "bloody with spurring," was seen approaching Fort Defiance, a stockade post situated on section twenty, in Town four North, Range three East, commanded by Capt. ROBERT C. HOARD. The rider was DAVID GILBERT. He communicated the

* This series of valuable papers appeared originally in the *Mineral Point Tribune*, in the latter part of 1852, and early part of 1853, and well deserve a more permanent repository. The discrepancies of memory between the writers are not, after all, very numerous or of much importance; while their several narratives will prove of lasting interest to Wisconsin history.

melancholy information that, on that day, SPAFFORD, SPENCER, BENNETT MILLION, McILWAINE and an Englishman called JOHN BULL, had been surprised by the Indians while at work in a corn field on a farm owned by SPAFFORD and SPENCER, situated on the main Pekatonica, about six miles south-east of Fort Hamilton (now Wiota,) and that all the party had been murdered, except MILLION, who had by his fleetness on foot made his escape.

Captain HOARD at once dispatched an express, communicating the information to Gen. DODGE, at Dodgeville, and I, being second in command, was ordered to repair to the scene of the murder, with eleven men, all that could be mounted on horseback. Arriving at Fort Hamilton late at night, we halted at that post until morning, when accompanied by MILLION and some others from that place, making a party of about twenty men, we proceeded to SPAFFORD's field. On our arrival there, the first object that presented itself was the headless body of SPAFFORD, who had died facing his foes! Cool as he was brave, he at once saw from the number and position of the Indians, that flight was useless. Seizing his rifle, he calmly awaited their approach, and his unerring aim sent one of his foes to eternity before him; then, like the lion at bay, he died covered with an hundred wounds.

While the Indians were thus partially checked by SPAFFORD, the others fled under cover of a ravine, which appears to have been an ancient bed of the Pekatonica, to the river. On reaching the shore, McILWAINE and JOHN BULL attempted to escape across it, and were shot in the water; their bodies were taken out of the river by us; they had been scalped and most horribly mutilated. MILLION stated that on reaching the shore, he and SPENCER turned down the river, keeping under its bank; that they had got some three hundred yards before they were perceived by the Indians, who were for an instant engaged in despatching McILWAINE and JOHN BULL. On seeing them, the Indians raised the war-whoop, and commenced the pursuit; SPENCER continued on down the river bank, and MILLION plunged into the stream, which was about fifty yards wide at that point, and never raised his head

above water until he struck the opposite shore. Young, brave, cool and active, and flying for life, it would appear almost incredible that, with his breath exhausted by diving across the river, his clothes saturated with water, that, at one bound he should spring from the slippery shore to the top of a perpendicular bank fully twelve feet high; yet from his foot prints, it was evident that he did so. Gaining the bank, unharmed amidst a shower of balls, he continued his flight, pursued by the Indians, who, after a hot chase of about five miles, gave up the pursuit.

It appeared that SPENCER was pursued by two Indians, one of whom was mounted on the horse with which SPAFFORD's party had been ploughing their corn, and was far in advance of the other; and he having his gun which he had snatched up in the flight, SPENCER turned and shot the mounted Indian, which enabled him to escape by secreting himself in a thicket.

On the day of the battle of the Pekatonica, SPENCER ventured to approach the fort, and saw from a distance that it was surrounded by Indians. They were friendly Sioux and Menomonees, who had joined us that day after the battle, and who were yelling and pow-wow-ing over the scalps which we had taken. Supposing these Indians to be foes who had captured the fort, and murdered all within it, he was horror struck, and fled some six or seven miles to a house where he found some provisions, and secreted himself under a hog-pen, where he was found some ten days afterwards. Within a year he became deranged, and wandered off, none knew whither.

Having performed the melancholy duty of burying the dead, we returned to Fort Hamilton, where we found Captain GENTRY, and Lieutenants BEQUETTE and PORTER, with a few men. At a council held that evening, it was agreed that if Gen. DODGE did not arrive at the fort by eight o'clock the next morning, the officers and men that were present would take the trail and pursue the Indians.

On receiving the express at Dodgeville, Gen. DODGE accompanied by THOMAS JENKINS and JOHN MESSERSMITH, jr., started for

Fort Hamilton by the way of the Blue Mounds, where a company of men were stationed, whose horses were fresh and fit for service. Leaving orders for them to follow, he continued on his route by the way of FRETWELL'S Diggings; having out-ridden JENKINS and MESSERSMITH, he was approaching the fort alone just after sunrise. On arriving at HAMILTON'S farm, about one mile from the fort, he left the wagon road and turned into a pathway, which shortened the distance. On regaining the road, he met APPLE, a German, who proposed to accompany us on our scout, and was going to his cabin near by, to procure a blanket for the expedition; after making a few inquiries of him, the General continued on to the fort. APPLE had not proceeded more than one hundred yards from where he met Gen. DODGE, when he fell into an ambuscade and was literally shot to pieces. It afterwards appeared, that the Indians had first ambushed the pathway, but seeing our men on the prairie, south of the road, looking for their horses, and that the travelling was on the wagon road, they removed to it. Had the General arrived half an hour earlier by the pathway, or kept round by the wagon road, he must have been the victim of the ambuscade instead of APPLE.

Almost simultaneously with the General, the horse of APPLE reached the Fort with the saddle bloody, and a bullet hole through his ear. All were ready! the order was given to mount, and in less than ten minutes we were formed in a line near the dead body of the murdered man.

The Indians, in their retreat, appeared to disperse in every direction through a thicket which lay north of the road, and which was composed of a thick growth of vines and bushes, principally prickly ash. Through this we advanced in line, until a very intelligent dog, owned by R. H. KIRKPATRICK, struck the trail on the extreme left. We then advanced in single file, following the trail, the left in front, until we reached the open timber. Here the trail was well defined, and the pursuit was then pell-mell, the General taking the lead. The trail struck the prairie on a branch running east from WILLIAM BURRITT'S, and continued down it,

crossing and re-crossing it two or three times. On our advancing into the thicket, I was the extreme right hand man of the party. As the left discovered the trail and advanced along it, I was thereby thrown in the rear. On emerging from the thicket into the open woods, being well mounted on a fleet and sure-footed horse, I gave him the spur freely until I came in sight of the Indians with the General close in their rear, and not more than five men with him. At the same time I overtook a youth aged about eighteen, named SAMUEL BLACK, who lived in my family. He said that his mare, a fine active animal had fallen with him on the smooth prairie, and that it was a sign he would be killed in the coming battle. I suggested as the cause that she had stepped into a badger hole. He said she had not, for he had examined the ground. I then advised him to go back, as there were enough of us to whip the Indians without him; he said, "I will die first!" The omen proved too true. He fell, mortally wounded, at the first fire we received on entering the thicket. I make this digression, that you may pay a just tribute to the memory of one of the bravest youths that ever fell in battle.

The Indians re-crossed the branch at a point where it turned abruptly to the north, and ascended the hill. The General and those with him crossed after them, and bore to the right towards some timber, as if to cut them off from it. Seeing this movement I halted, and was at the same time joined by FITCH, HIGGINBOTHAM and DEVEE; I said to them, that movement of the General will turn the Indians to the left; if you will follow me, we will get the first scalp. They agreed to do so. Turning up a hollow to the left, we ascended it to the ridge overlooking the east Pekatonica; turning then to the right and looking down a hollow parallel to that which we had ascended, my surmise proved to be correct. They were moving at what might be called common time, their chief, a grey-headed warrior, was walking backward, and appeared to be earnestly addressing his young men. After observing them for a few moments, we fired, but I think without effect. My comrades, after discharging their guns, retreated

down the hollow we had ascended, and I turned westwardly up the ridge overlooking the east Pekatonica, keeping out of gunshot, but watching the enemy closely. They descended the hill to the creek, turned up it a short distance, and commenced crossing at some willows, a short distance below where the bridge now stands.

At this moment I advanced within gunshot. With the report of my gun, I sent forth a shout that told the General, and my comrades yet in the rear, that I had secured the first scalp; at the same time I received the fire of the Indians without injury.

The General and the principal part of our men having come up by the time the Indians had fairly crossed the creek, a running fight took place; the enemy being on one side of the creek, and we on the other, until they reached the thicket in the bend of the creek. Having effected a crossing at the Old Indian Ford, which is near WILLIAMS' Mill, and marching thence up the stream, we formed on the open ground to the north-east of the thicket, so as to hem the enemy in the bend of the creek. Parties were then, by order of the General, thrown out on the hills to give the alarm, if the Indians should attempt to escape from the thicket, when we entered it. The men were then told off in sections of seven, number *four* remaining on horse back and holding the horses of the rest of the section, whose bridles were linked together. When dismounted and formed in front of the horses, our numbers were twenty-one men, including the General. They were GEN. HENRY DODGE, commanding; Lieutenants CHARLES BRACKEN, PASCHAL BEQUETTE and — PORTER; Surgeon ALLEN HILL; Privates, PETER PARKISON, DOMINICK MCGRAW, SAMUEL BLACK, THOMAS H. PRICE, LEVIN LEACH, R. H. KIRKPATRICK, ASA DUNCAN, WILLIAM CAENS, JOHN HOOD, THOMAS JENKINS, JOHN MESSERSMITH, Jr., SAMUEL PATRICK, MORRIS, WELLS, RANKIN and VAN WAGGONER.

We were then ordered to renew our flints, reprime our guns, unbutton our shirt collars, and tighten our belts. All being ready, the General then addressed us: He said, "Within that thicket are the foe, whose hands are yet reeking with the blood of our

murdered friend ! That it was his intention to enter it ; in doing so, some of us must fall ; that it might be his own fate ; but that his mind was made up to whip the enemy or die in the attempt. If any feared to follow him, he wanted them to fall back then, and not when they encountered the Indians." The word was then given to advance, and in that little band, none were found who did not fear dishonor more than death ! None faltered or wavered, as with a coolness becoming veterans they followed the footsteps of their gallant leader, resolved with him to conquer or die.

After advancing some distance into the thicket the trail of the enemy was found. Here the detachment was joined by DANIEL M. PARKISON, who was on horseback. The centre was ordered to keep on the trail. We then continued our advance slowly but firmly towards our hidden foe. The Indians had selected a most advantageous position for defence, had we fought them at long shot. It was the bank of a pond, once the bed of the creek.— On the edge of the bank was a natural breast work nearly three feet high, formed by one of those tumuli so numerous on our prairies ; under this they awaited our approach.

When they fired on us, our position represented two sides of a triangle, they forming the base and we the hypothenuse ; although we were close upon them, so dense was the thicket that we could not see the smoke of their guns. The General, who was on the right of the centre, and in front of the line, exclaimed, "Where are the Indians?" He was answered from the left, "This way!" The order was given, "*Charge 'em, boys, d—n them, charge 'em !*" My position was on the extreme right ; in the charge we obliqued considerably to the left ; when I got to the pond, I found no enemy before me, and at the same moment I heard the General, who was a little to my left, say, "There's an Indian, kill him !" I turned toward him, and heard a shot ; as I came up, he said, "There, by G—d ! I've killed him myself !" This was the Indian commander.

Passing on to the left, I mounted the natural embankment, and found myself in the midst of the Indians; after discharging my gun, I turned the breech, and struck at a warrior I saw lying under the bank before me; but seeing another very industriously snapping at me, I fell back and re-loaded. As soon as my gun was charged, I advanced with the brave but unfortunate WELLS on my left, and WM. CARNS, of Dodgeville, on my right. On coming up, hand-to-hand with the Indians, WELLS fell, mortally wounded. CARNS first shot, and then bayoneted the warrior that gave WELLS his death wound, and I put another in a condition to lose his scalp. At the same time, the only surviving Indian attempted to save himself by flight. He plunged into the pond, and was shot as he got out of the water on the opposite side.

Thus ended the battle; the enemy were completely exterminated! Not one was left to tell BLACK HAWK and his warriors, how "*Old Hairy Face*," (the Indian name for Gen. DODGE) and his warriors fought. Our trophies were seventeen scalps. Our loss was three men,—BLACK, WELLS and MORRIS, mortally, and THOMAS JENKINS, severely wounded.

The annals of border warfare furnish no parallel to this battle. Never before was an entire war party exterminated with so small a loss on the part of the whites, when the numbers engaged were so nearly equal. Although on our advance into the thicket, we outnumbered the Indians some five men, yet, the advantage of their position, and ours having to receive their fire, equalized our numbers.

None of us, from the General down, had ever heard a hostile gun, or burned powder at a foe. The men had been promiscuously assembled, and were untrained soldiers. They, however, proved by their gallant conduct, that American volunteers, when individually brave, will collectively follow to their death, a brave and determined leader, in whom they have confidence.

There were individual acts of devotion and desperate bravery performed, which ought to have immortalized the actors. Our

surgeon, Doctor ALLEN HILL, fell into the line, and did duty as a private soldier. When the sections were told off, his lot fell number *four*, a horse holder. Number five, in the same section, was a sickly looking youth named TOWNSEND, about seventeen years of age. The Doctor exchanged places with him, remarking that he thought himself better able to perform a soldier's duty in the coming fight, than *he* was.

In the charge, LEVIN LEACH encountered a warrior armed with a spear; parrying the thrusts of the Indian with his bayonet, he dropped his gun, sprang upon him, wrenched his spear from him, and with it, ran him through the body.

The death of the brave but unfortunate WELLS, would have been a theme for the song of the minstrel, had it occurred in the days of chivalry. Like hundreds of other young and ardent spirits in that day, he came to the Lead Mines in pursuit of fortune. When the war broke out, he was among the first to take up arms, and fell, as I have stated, bravely advancing on the enemy. While lying on the battle ground, with his head on the lap of a comrade, who was assuaging the burning thirst caused by his wound, the surgeon examined it, and told him he must die! On hearing this, he expressed a wish to see the General. On his coming to him, WELLS said, "General, have I behaved like a soldier?" The reply was, "Yes, WELLS, like a brave one!" Looking up to his commander, he said, "Send that word to my old father." He farther told that comrade, that he was engaged to be married to a young lady in Pike county, Illinois. He gave her name, and requested that she might be informed of the place and manner of his death, and that he died with his last thoughts upon her.

NOTE.—After a lapse of twenty years, the writer of the foregoing may have made some errors, particularly by omitting the names of those who were in the battle, and inserting the names of those who acted as horse holders, or watched the thicket from a distance. As the narrative is intended, for the State Historian, and will make a part of the early History of Wisconsin, he requests any of his surviving comrades who were in the action, to correct any errors he may have made.

Fayette, Nov. 29, 1852.

EDITORS OF WISCONSIN TRIBUNE :

My attention having lately been called to an account of the battle of the Peketonica, written by CHARLES BRACKEN, and published in your paper, in which I think there are some material mistakes, and having been requested by a number of persons to write my recollection of that affair, and point out wherein I think Mr. BRACKEN's recollection does not serve him correctly ; I have thought proper, in justice to the dead as well as the living, and also in justice to the correctness of history, for which that account was intended, to comply with the request which has been made. In doing so, I do not wish to detract in the slightest degree from the merit of any one who acted in that affair.

I was quite young at the time, and it being the first engagement that I was ever in, every incident was almost indelibly fixed upon my mind. Mr. BRACKEN's relation of the affair at SPAFFORD'S is correct, as I recollect it, until he says, "I being second in command, was ordered to the scene of the murder with eleven men." Mr. BRACKEN might have been ordered to the scene of the murder, but he certainly did not go in command of the detachment, nor in company with them, until within about four miles this side of Fort Hamilton, (now Wiota) where he and VAN WAGGONER* were overtaken by the detachment. They (BRACKEN and VAN WAGGONER) having left Fort Defiance in advance of the detachment. BRACKEN appearing to be displeased at some of the movements, mounted his horse and said, "It is time we were off ; all that are going with me, come on ;" upon which VAN WAGGONER joined him and they started off. In about half an hour the detachment were mounted and ready to march ; upon which R. H. KIRKPATRICK was chosen the commander for the occasion. The detachment then proceeded to Fort Hamilton, and arrived there about twelve o'clock at night. Next morning, just as the detachment was ready

* Col. D. M. PARKISON gives the name of BENJAMIN LAWHEAD, instead of VAN WAGGONER, as the person who accompanied Lieut. BRACKEN on this occasion,—see, *ante*, p. 344.

to proceed, some difficulty occurred about the command of the detachment; Mr. BRACKEN claiming the command by virtue of his Second Lieutenantship at Fort Defiance, which was objected to by D. M. PARKISON, (which was the commencement of the memorable difficulty between these gentlemen—BRACKEN and PARKISON.) Maj. KIRKPATRICK then declined taking further command of the detachment, unless he was re-chosen, upon which an election was gone into, and Maj. KIRKPATRICK (as he was commonly called) was unanimously elected. The company then proceeded to the farm, and found the murdered men, as described by Lieutenant BRACKEN, with the exception of the headless body of SPAFFORD, which had no wounds upon it as I recollect. The position of the body, when found, indicated that he had been running, as the rest of his comrades, when he was shot. Whether he killed an Indian before he himself was shot, I think no one can tell. MILLION crossed the river at the same place and the same time that McILWAIN and JOHN BULL crossed it, and was immediately pursued by the Indians in hot chase—one of them on horse-back, and so closely was he pursued by the Indian on horse-back,* that he, MILLION, was often compelled to swim the river to escape him. He swam the river five times during the chase, and was pursued to within five miles of the fort, which he reached in a full lope (using a western phrase) and in safety, after having been pursued by five Indians for ten miles, and having run fifteen miles without ever breaking the lope, as he said.

SPENCER could not swim, consequently took down the river under its bank, till coming to the mouth of a branch, where he remained until an Indian (mounted on the horse with which they had been plowing) came upon him. He shot the Indian off the horse and made his escape across the river bottom into the woods, in the direction of the fort. The remainder of the history of this man, I believe, is correctly given by Lieutenant BRACKEN,

*None of the Indians who pursued MILLION were on horseback, as will be seen by MILLION's statement, which will appear a few pages onward.

except that he told upon being found, that he had killed another Indian during his rambles in the woods.

The allusion that Lieutenant BRACKEN makes to the young man named BLACK, is correct; so far, at least, as his having a presentiment that he should be killed in the first engagement. He and I were about the same age, (he being one year older,) were friends and mess-mates. He communicated his forebodings of death to me the night we marched from Fort Defiance to Fort Hamilton—he and I having been made the advance guard to the detachment. I have no recollection of the falling of his mare. I presume, however, it was so. It was a horse, however, he rode.

The history of the matter, I believe, is very correctly given by Lieutenant BRACKEN, from the killing of APPLE up to the point where he advanced within gun shot, and says, “with the report of my gun, I sent forth a shout that told the General and my comrades, *yet* in the rear, that I had procured the first scalp.” Here, I think, Lieutenant BRACKEN’S memory is greatly at fault, I was near the Lieutenant when he shot, and so was General DODGE and some eight or ten others, and the Indians were certainly from one hundred and fifty to two hundred yards distant. They fired back, it is true, but without effect, and if any scalp was taken, or even an Indian touched with a ball, I have no recollection of the fact. ’Tis true, they sometimes fell at the fire of the guns, but got up and went off, jumping and hopping in a taunting way.

At this point, while a short consultation was taking place, as to the best point of crossing, Capt. GENTRY and D. M. PARKISON swam the river on their horses, just in the rear of the Indians, and took a position upon a high eminence upon the opposite side of the river, so as to overlook the grove the Indians were making for. We were again joined by PARKISON at the time Lieutenant BRACKEN speaks of. Capt. GENTRY, in attempting to reach us at another point, mired his horse down in a swamp, got his gun wet, and was unable to rejoin us.

The next point at which I think Lieut. BRACKEN’S memory is at

fault, is where the General is addressing his men, in which he is made to say among other things, "Unbutton your shirt collars, tighten your belts, &c." I have no recollection of any such orders, and from Gen. DODGE's usual coolness and discretion upon such occasions, I should think he would hardly give such orders. Again, I think his memory is at fault, when he quotes the General as saying, "Charge 'em, boys—*damn them*, charge 'em," and "There, by G—d, I killed him myself," &c. At another point I think his memory is more at fault than usual. That is upon the charge, where he would make it appear (if I read correctly) that he "advanced into the midst of the Indians, discharged his gun, turned the breech, and struck at a warrior he saw lying under the bank before him, but seeing another very industriously snapping at him, he then fell back, reloaded and advanced side by side with the gallant WELLS;" evidently conveying the idea that he had done all this before the gallant WELLS had got up at all. Now, all who were there well know that the gallant WELLS was among the first upon the bank, and was shot instantly upon his charge upon the bank. The charge was simultaneous, by every member of the detachment, and there could not have been more than a few seconds difference between any of the men's arriving upon the bank. All behaved well; in fact bravely—Lieut. BRACKEN with the rest—but I have yet to learn that he behaved any better than any one else; in fact, I am certain there was no room for invidious distinction.

I write this with no unkind or unpleasant feelings towards Lieut. BRACKEN; but simply that justice may be done, history be correct, and that Lieut. BRACKEN's request (contained in a note appended to his account of the affair,) together with the request of a number of other persons, may be complied with.

The Indian that was shot in attempting to make his escape across the pond, as spoken of by Lieut. BRACKEN, was shot by W. W. WOODBRIDGE, the Adjutant of Gen. DODGE's squad, with a pistol. I was standing near him at the time. The number of scalps taken

upon that occasion, according to my memory was fourteen, instead of seventeen, as Mr. BRACKEN has it.

Upon looking over the list of names which Mr. BRACKEN has, I do not see that of W. W. WOODBRIDGE. This is an omission. It should be there.

The remainder of the narrative, I believe, is correct.

PETER PARKISON, Jr.

To Gen. W. R. SMITH, State Historian :

In a late number of the *Wisconsin Tribune*, there was a communication of Mr. PETER PARKISON, of Fayette, on the subject of the 'Battle of the Pekatonica.' I saw nothing in his statement calculated to change the general result of an action so honorable to all engaged in it, but I see that Mr. PARKISON has (unwillingly perhaps) misrepresented me, and some of my action, on that occasion.

The officers composing the command at Fort Defiance at that time, were ROBERT C. HOARD, Captain; CHARLES BRACKEN, first Lieutenant; DANIEL M. PARKISON, second Lieutenant, and WM. BURNETT, Ensign.

Although in my account of the battle and events which led to it, I state that I was second in command at that fort, yet Mr. PARKISON (in the face of record and living testimony which could be produced to sustain my assertion) depending on his own vivid recollection, reduces me to the rank of second Lieutenant, in virtue of which he states, I claimed a command to which I was not entitled.—His memory here certainly failed him, for the saddle was on the other horse! It is reasonable to suppose, that if Mr. PARKISON, belonging to the same company with me, and associating together in the same stockade for some weeks, could not recollect my rank, that his memory cannot be relied on as to other facts wherein he differs from me.

Shortly after the *Black Hawk* war, when all the survivors of the battle were living, I published, in a Galena paper, an account

of the battle, which was uncontradicted. My late publication addressed to you through the Wisconsin Tribune, corresponded nearly word for word with my former publication. The late **Mr. MATTHEW G. FITCH**, some ten or twelve years since, also published an account of the same battle in the Mineral Point paper, in which he differs in no essential particulars from me. On data such as this, I think there is more reliance to be placed for the truth of history, than on the memory of **Mr. PARKISON**, which is clearly at fault in the very first fact he states, and much more so in others.

CHARLES BRACKEN.

Walnut Grove, Dec. 30, 1852.

Fayette, Feb. 5th, 1853.

To Gen. W. R. SMITH, State Historian :

SIR—I regret exceedingly that you should be annoyed with so many communications upon the subject of the battle of the Pekatonica, and particularly when those communications disagree so much as mine and those of Lieutenant **CHARLES BRACKEN**. **Mr. BRACKEN** in his last communication, seems to have departed entirely from his request, contained in a note appended to his account of the battle of the Pekatonica, in which he requests any of the survivors to correct any mistakes which he may have made; admitting that, after a lapse of twenty years, he might have made some. But when those mistakes are pointed out, and corrected, he claims, not only to possess a superiority of memory over me, but also that his account was written from data that could, or should be relied upon, more than my memory.

Now, had **Mr. BRACKEN** claimed in the start, to have written his account of that affair from such data as he refers to in his last communication, perhaps I should not have presumed to set up my memory in opposition thereto. But, as **Mr. BRACKEN** made no such claim, and evidently carried the idea that he had written

entirely from memory, I supposed I was doing him a kindness in complying with his request—in which it seems I was mistaken, judging from the tone of his communication.

(However, as to the data to which Mr. BRACKEN refers, I have a word to say; and that is, that my memory differs with his as to what those accounts contain. If either of those accounts, particularly that published by Mr. FITCH, quotes Mr. BRACKEN as taking or having the command of the detachment from Fort Defiance, I will agree that I am mistaken as to what those accounts contain.

But as the question at issue is not what those accounts contained, but what are the facts in the case, I shall, without further cavil with Mr. BRACKEN, as to memory, proceed to lay before you the evidences which I have procured in support of the correctness of my memory, wherein I differ with him.

Upon seeing Mr. BRACKEN's communication to you, (in reference to this matter.) in a late number of the Wisconsin Tribune, I immediately addressed the following named gentlemen upon this subject, to wit: ROBERT C. HOARD, who was Captain of the company stationed at Fort Defiance at the time in question; THOMAS BEAM, who was a soldier at Fort Defiance; ALEXANDER HIGGINBOTHAM, who was a soldier at Fort Hamilton, and was with the detachment from the time it left Fort Hamilton until after the battle of the Pekatonica; BENNET MILLION, who was also with the detachment during the burying of the men who were killed at the farm of SPAFFORD and SPENCER, and the same that made his miraculous escape from the Indians.

From them I have received the following answers. I would here mention, that these are all the men (that is, MILLION and HIGGINBOTHAM) that had any connection with the burying of those men, or the battle of the Pekatonica, that I have any knowledge of in this country, except my father, Col. PARKISON, upon whom, from feelings of delicacy, I have not called, for his recollection of the matter.

Mineral Point, February 5th, 1853. I

MR. PETER PARKISON, JR.:

Your communication addressed to me, asking my recollections about those eleven men who started from Fort Defiance to bury the dead at SPAFFORD'S farm, in 1832, was duly received. I recollect that when the express arrived, it was about sun-down, or after. After I had arranged the matter of express to Col. DODGE, I immediately commenced making arrangements to send a reinforcement to Fort Hamilton, and to assist in burying the dead at SPAFFORD'S field. There were many who volunteered to go. At the same time there were several men there from the mounted company, with Major KIRKPATRICK, (or afterwards Major KIRKPATRICK); Lieut. BRACKEN and Second Lieut. PARKISON were among the number who volunteered to go, and all the mounted men who were with Major KIRKPATRICK, I believe; consequently, those mounted men came there commanded by thier own officer, and neither Lieuts. BRACKEN or PARKISON could have any command over them. Lieut. BRACKEN certainly was the officer who held the rank at the fort; consequently, would have had the command, but I think there was some dissatisfaction among the men, who were preparing to go, I think, about who should command them. Lieut. BRACKEN started off with one man, I think, and he was one of the mounted men. I think about half an hour after Lieut. BRACKEN left, the rest of the squad started, with dissatisfaction about the command; before they got off, I requested Major KIRKPATRICK to take the command; and he did take the command as far as I knew.

Yours, &c.,

ROBERT C. HOARD.

Town of Wayne, Jan. 28, 1853.

MR. PETER PARKISON, JR.:

DEAR SIR—In answer to your favor of the 26th inst., I can say, that I was a soldier during the war with BLACK HAWK, and that

I was at Fort Defiance at the time that the express came there in relation to the killing of SPAFFORD and others, on the Pekatonica.

I can also say, without hesitation, that Maj. KIRKPATRICK took the command of the detachment from there, and I never understood but that he commanded it all the time until after the burying of those men.

Yours respectfully,
THOMAS BEAM.

Town of Wayne, Jan. 29, 1853.

Mr. PETER PARKISON, Jr.:

In compliance with your request of the 26th inst., I can say, that I do not recollect distinctly all that took place at Fort Hamilton, in relation to the command of the detachment that buried the men who were killed on the Pekatonica, at the farm of SPENCER & SPAFFORD, in the *Black Hawk war*.

I do recollect that there was some trouble about the command, between Col. PARKISON and CHARLES BRACKEN. I also recollect that Maj. KIRKPATRICK commanded the company on that occasion.

The next point, in relation to which you ask my recollection, is at the bank of the Pekatonica, where Lieutenant BRACKEN claims to have procured the first scalp. In relation to that point, I can say that I *am* sure there was no scalp taken, or any Indian killed dead, at that point. Some might have been hit, but no certainty of it. As to Lieutenant BRACKEN's being in the advance, I do not recollect distinctly. But from my recollection, I should say, we were all there pretty much at the same moment. As to the affair upon the bank of the pond, where the battle was fought, I agree with you precisely as you have given it in your account of that affair. I was right by WELLS when he was shot.

I have, according to your request, examined the account of that affair, written by both you and Mr. BRACKEN, and according to my memory, I agree with you in all the main particulars, where-

in you disagree with Lieutenant BRACKEN, after the detachment came to Fort Hamilton.

Your friend,

ALEXANDER HIGGINBOTHAM.

P. S.—I perceive that my name is not inserted, either by you or Mr. BRACKEN, as being in the battle. I claim no particular glory. I was, however, in the battle. The omission was, of course, unintentional.

Town of Wiota, Jan. 30, 1853.

Mr. PETER PARKISON :

DEAR SIR—According to your request of the 26th inst., I will state my recollection of the incidents connected with the burying of SPAFFORD, SEARLS and others, who were killed on the Peka-tonica, during the *Black Hawk war*, the particulars of which you request.

In relation to what took place at Fort Hamilton, about the command of the detachment, I can state distinctly, that some trouble took place at Fort Hamilton about that matter. Some wished Col. PARKISON to take the command. But he objected, and said that the detachment had come from Fort Defiance under the command of Maj. KIRKPATRICK, and that he wished it to go on under his command. Maj. KIRKPATRICK then objected to, or declined taking farther command, unless he were re-elected. Upon which, an election was gone into, and Maj. KIRKPATRICK was elected. The detachment then proceeded under his command, and continued so, until they returned to Fort Hamilton.

The remainder of the incidents, until the killing of APPLE, are correctly given in your account published in the *Tribune*, (which I have seen,) except that no Indian on horseback pursued me.

Mr. BRACKEN is quite at fault, when he speaks of SPENCER'S diving the river, leaping the bank, &c*. I am the man, most

* This was plainly an error of the printer, in dropping MILLION'S name where it should have appeared in the narrative, which is now properly corrected.

certainly, who did that. After getting upon the bank, I found two balls had passed through my shirt—one through the body, the other through the sleeve. While upon the bank, two balls passed so near me that their force was visibly felt in my face. My hat was afterwards found, with a large ball hole near the band. The effort of diving the river, leaping the bank, and the effects of the two balls that passed so near my head, had so exhausted and addled me, that I thought I was shot; and after going about sixty yards, in a walk, I stopped and examined myself. Finding I was not shot, I took fresh courage, commenced my flight for life, and arrived safe at Fort Hamilton in about three-quarters of an hour by sun. Mr. SPENCER could not swim, (as you say,) consequently did not attempt to cross the river. I claim no particular honor for what I did upon that occasion, and only mention these particulars to show that Mr. BRACKEN's memory should not be too much relied upon.

Upon perusing Mr. BRACKEN's account of that affair, I perceive many mistakes, but none of very great importance, except those which I have pointed out.

As to what took place after the killing of APPLE, and at the battle, I know nothing, except from hearsay. I have always understood that all behaved well upon that occasion—that the charge was even-handed, and that no one man was entitled to more credit than another. As to Mr. BRACKEN's killing an Indian, or getting a scalp, at the crossing of the Pekatonica, I can say, without hesitation, that I never heard anything of it, until I saw it in his account of that battle.

Having, I believe, answered all your enquiries, I subscribe myself,

Respectfully yours,

BENNET MILLION.

From the above communications, it will be perceived at once, that these gentlemen, (who certainly have no interest in the mat-

ter, as between Mr. BRACKEN and myself, and who could only wish that justice should be done, and that history should be correct,) sustain my memory almost fully, in every particular, wherein I disagree with Mr. BRACKEN. Hence, I should think, from such testimony as this, there could be no reasonable doubt as to the facts in the case.

I regret exceedingly, that I have been brought into this cross-questioning with Mr. BRACKEN, against whom I certainly entertain no unkind feeling, and whom I certainly would not intentionally misrepresent. I only wish that justice should be done to all parties concerned, and that a proper impression should go abroad, and be handed down to posterity.

I did not like the impression to go abroad or down to posterity, that Gen. DODGE and his comrades in arms did, upon that occasion, and in two instances, lurk in the rear, and permit Lieutenant BRACKEN to go forward and encounter the enemy single-handed and alone—which impression Mr. BRACKEN's account certainly conveys.

In looking over my account of that affair, I perceive that I did, in one place, speak of Lieutenant BRACKEN as *Second* Lieutenant, which was a mistake, and it would evidently appear to the most careless reader, that the mistake was inadvertently made. Mr. BRACKEN claims, in his account of that affair, to have been second in command at Fort Defiance, which I did not dispute, but only claimed that he did not go in command of the detachment, &c. Hence, having Mr. BRACKEN in my mind as second in command at Fort Defiance, it was easy for me to speak of him as Second Lieutenant, when I should have styled him as second in command. But, for this mistake, Mr. BRACKEN condemns my memory, as entitled to no consideration whatever. Were Mr. BRACKEN's memory to be condemned for similar mistakes, occasions would not be wanting; but these slight mistakes do not vary the result, and should not be harped upon.

However, with what I have already said upon the subject, I shall

submit the matter to an impartial public, and to you, to determine or decide as to the facts in the case.

Your obedient serv't,

PETER PARKISON, Jr.

To Gen. W. R. SMITH, State Historian;

In October last I had the honor of addressing you a communication, through the columns of the *Wisconsin Tribune*, giving you the details of the "Battle of the Pekatonica," and the events that led thereto. In a note appended to that publication, I stated that I might, from the lapse of time, have made some errors, more particularly as to the names of those who were actually in the action. This was the case. I omitted the names of ALEXANDER HIGGINBOTHAM and BENJAMIN LAWHEAD, who were in the fight, and THOMAS H. PRICE whom I placed in the line, was one of the horse guard.

Mr. PETER PARKISON, Jr., one of the survivors of that battle, in a communication addressed to the Editor of the *Tribune* in November last, has given his version of the affair, for the purpose, as he avers, "of doing justice to the dead as well as the living, and also in justice to the correctness of history." In that communication Mr. PARKISON negatives, or gives a different version to almost every fact stated by me. First, that I did not command the detachment from Fort Defiance, but that R. H. KIRKPATRICK did; that "the next morning, before starting from Fort Hamilton for SCAFFORD's field, a difficulty took place between D. M. PARKISON and myself about the command," I claiming it, in virtue of my second Lieutenancy, which was objected to by D. M. PARKISON, (which was the commencement of the memorable difficulty between that person and myself.) That Major KIRKPATRICK then declining to take further command of the detachment unless he was re-chosen, upon which an election was gone into, and Major KIRKPATRICK (as he was commonly called) was unanimously elected;" that this difficulty being settled, the party pro-

ceeded to the farm, and found the murdered men as described by me with the exception of one. He said he found the body of one of the men with the head cut off and literally ispeaking, covered with an inch and a half of blood. Mr. PARKER asserts most dogmatically, that the man's head was not cut off, and that he had no wounds that he recollects of the Indians. That MILLER crossed the river at the point indicated by him, but "at other point where McILWAIN and JOHN BULL crossed it," and then he gives us a Munchausen story of his swimming the river five times, and as he was off out of his head, any Indian mounted on horseback after him for half of ten miles. And so I determined does Mr. PARKER is now apparent to contradict my statements, and so closely does he get into particulars, that he makes PARKER ride on horse instead of a mule as stated by me. I said no text on need ever be known.

Although I reasonably account for the manner in which with the Front HORN, BROWN and Drives I got ahead of the detachment, by which I was placed within shooting distance of the Indians, and secured the first scalp. Yet as to this fact, Mr. PARKER is sure my memory is at fault, because, as he asserts, "he was near me when I shot and was the General's horse. When my little party went out and fired on the Indians, they were near the top of the ridge that overlooks the Pecos. The General was there across the branch of the top of, the opposite ridge, some three fourths of a mile off, apparently engaged in forming the men in line as they came straggling up. Therefore, while I had not more than two hundred yards to advance to place myself in contact with the Indians while they were crossing the creek, the General and Mr. PARKER had more than three fourths of a mile to travel, with a muddy branch to cross, before they could come up with the enemy, who when they arrived, had crossed the creek and were advancing towards the bluff where the battle took place."

Mr. PARKER also thinks, that "from Gen. DOUGLASS's usual boldness and indiscretion on such occasions, he could hardly have given such orders to the men as I represent." Had I attempted to laud Gen.

DODGE, I could not, had I ransacked the vocabulary of the English language, found expressions more suitable for the occasion, or given better testimony of his coolness and discretion on the eve of a battle. His mind was made up, as he stated, "to whip the enemy or die in the attempt." He therefore coolly and discreetly forewarned us, that there would be no snaps or flashes of our guns; he required us to gird tight our loins and unbutton our shirt collars, that our respiration might be free to sustain him in the desperate encounter that was before us.

Again, Mr. PARKISON thinks my memory is at fault, when I make the General swear terribly. If I must confess the fact, he swore far more terribly than I have represented. If Mr. PARKISON had been disposed to task his memory to do justice to my conduct in that battle, as much as he appears disposed to detract from it, it would have been no great tax on his memory to have recollected, that in my hand-to-hand encounter with the Indian at the pond, the breech of my gun had a sliver cut out of it, some three or four inches long, by the spear of the Indian. That gun I carried throughout the war, and Mr. PARKISON as well as others has time and again seen that evidence of that encounter.

And Mr. PARKISON has at this late day found it convenient to unlearn what he formerly knew, that from a fortuitous train of circumstances my actions on that occasion were such, that the General, by common consent, awarded me two out of the seventeen scalps taken, and I state it on good authority, that in the fall of the year after the war, when the annual firing of the prairie took place, and the woods and grass were destroyed, that the bones of fifteen Indians were found at the pond where the battle took place, those of another between that and the point where they crossed the creek, and those of another at the crossing of the creek which I alledge to have killed; a party of Menomonee and Sioux Indians, under the command of Colonels HAMILTON and MARSH had arrived at the fort a short time after we commenced the pursuit. These Indians taking our trail, found and scalped the two latter, and overtook the detachment as we were returning with our

wounded to the fort. Even at this late day, if search were made, I am of the opinion, that the bones of seventeen Indians could yet be found bleaching on the battle-ground, and between it and where the Indians crossed the Pekatonica;* among them the bones of the Indian I killed at the spot where they crossed. The shout I sent forth when I fired, was, "That's my hair!"—a cant expression then in vogue to denote a scalp.

In a subsequent communication which I addressed you in reply to Mr. PARKISON I did not deem it necessary to enter into a specific refutation of all the tergiversations contained in his essay, or to expose his mawkish attempt to make me an assailant of Gen. DODGE, and of his self election to the post of his defender. Although my memory might have failed me as to other facts touching the events of that day, it must be supposed that I could not well forget the rank I held; this Mr. PARKISON denied, which if uncontradicted must be construed as an impeachment of my veracity; I therefore confined myself in that reply, to simply correcting him on this point, and to infer from it that, if belonging to the same company and associated with me for some time at the same post, he could not recollect my rank, that his memory could not be depended on as to other facts wherein he differed from me, &c., &c. To this Mr. PARKISON has rejoined, by a communication addressed to you through the columns of the Tribune of the 10th of February, wherein he rather lamely concedes the question as to my rank as a first Lieutenant, but seems determined to pluck some of the feathers from my plume by proving *positively* that KIRKPATRICK commanded the detachment from Fort Defiance, to Fort

* In EDWARD BROUCHARD'S narrative, we find the following paragraph relative to the number of Indians slain: "After the battle, eleven Indians were found dead on the ground; two more, who were wounded, had got up the river-bank, and were tracked and finally scalped by the Winnebagoes; Colonel HAMILTON, sometime afterwards, found the body of another, after the prairie fires had passed over them; and late in the succeeding winter, a French trapper found three more, in the swamp near the battle ground, beneath brush-wood, under which they had crawled when wounded." The whole number thus accounted for, of the Sauks who fell in this fight, was seventeen; and at a subsequent period, when at Rock Island, after the termination of the war, BROUCHARD understood from some of the Sauks, that BLACK HAWK had often spoken of a band of seventeen of his braves, of whom he had never received any intelligence, and he knew not what had become of them. BLACK HAWK, in his auto-biography, makes no allusion to this affair.

Hamilton, and *negatively*, that I did not kill an Indian at the crossing of the Pekatonica as asserted by me, and that in fulfilling his post he cannot permit the impression to go down to posterity, that Gen. Dodge and his comrades going aimed and upon that occasion, and in two instances, but in the rear, and permitted Lt. BEAUFORT to go forward and encounter the enemy single handed and alone. I was very sorry that I did not see the enemy when I fired, but I was not far from them.

But a few minutes before the express arrived with the intelligence of the murders, I returned to Fort Defiance from an expedition to the Rock and Illinois Rivers, where I had accompanied Gen. Dodge as a volunteer in Gentry's company of mounted men. My horse and arms being ready; I was to continue the ride on my way to Fort Hamilton accompanied by one man. I then heard of no dissatisfaction about the command, nor was there any fault in the fort over so much horror-stricken with the distressing intelligence just received, to be engaged in a squabble about a petty command in a light march. As in my absence, the command of the party devolved on Lt. D. M. PARKINSON, and subsequent events, shown by his attempt to supersede me who outranked him, proved that he had too much ambition to permit Hoard, should he held five times the rank he did, to reduce him to the ranks, and place a private soldier in command over him.

The officers of Gentry's company were Messrs. BELLEVILLE, PORTER and HENRY L. DODGE; it is not pretended that either of those officers were at the fort that evening, nor was there a solitary man of Gentry's command there, nor could there have been. GENTRY with his company in full force accompanied Gen. Dodge to Rock River, and that day I separated from him and his company at Gratiot's Grove, they taking the route by KENDLE's and the forks of the Pekatonica to Mineral Point, the headquarters of his company. R. H. KIRKPATRICK was at the time a private in that company, not having been elected Major until some two weeks after the battle of the Pekatonica; and maugre the certificate of HOARD and assertion of PARKINSON—he was not, nor had he been at Fort Defiance that day, that evening or that night.

I make this statement on the recollection of those whose memories are more to be relied on than HOARD's or PARKISON's, and their truthfulness far more so, particularly a lady who was in the fort at the time, who shortly after the war became the wife of Major KIRKPATRICK. To corroborate this fact I will state, that both PARKISON and HOARD admit there were but eleven men left the fort that evening; after some trouble and enquiry I have ascertained the names of all but one of those men. They were SWEET, D. M. PARKISON, PETEE PARKISON, FITCH, McCONNELL, VAN WAGONER, LAWHEAD, McGRAW, BLACK, PRIOR, LEECH, making ten of the party, the name of the other I cannot recollect or ascertain, but he was a young man from Tennessee, who had been pursuing a certain PETER HOWARD (alias ROBT. C. HOARD) to the west, and found him in the commanding officer at Fort Defiance. And my other men, mounted or dismounted, of any other company that marched with the detachment that night, as stated by HOARD, were all "*dressed in buckram!*"

The next morning, when the detachment was paraded preparatory to starting for SPARFORD's field, it was reinforced by some six or seven men from Fort Hamilton. DANIEL M. PARKISON, who had been a colonel in Illinois, who was my senior in years but junior in rank, claimed the command of the detachment on the plea, that *he had come with and commanded the party on the march from Fort Defiance the night before!!!* This attempt to supersede me was promptly resisted, and hence the difficulty between us.

R. H. KIRKPATRICK, who was one of the re-inforcement that had joined us at Fort Hamilton, was then in the ranks; the day previous he had left his company (GENTRY's) at Gratiot's Grove, and came by the way of Wolf Creek to Fort Hamilton. He was, at my suggestion, appointed to conduct the expedition to bury the murdered men at the farm, and not till then, *did he command the detachment, or any part of it!*

None, but one possessing the most morbid feeling towards me, could read my account of the battle, so honorable to the com-

mander and all engaged in it, and draw the inference from any one sentence it contains, that the General and my comrades were "lurking in the rear," while I was in front battling the enemy single handed.

Although Mr. PARKISON professes to have no unkind feelings toward me, or intentionally to misrepresent me, yet a man with half an eye, can see what kind of feeling he entertains toward me, in almost every paragraph of his communications. From the day that I indignantly spurned the attempt of his father to supercede me in command to which I was legally entitled by my rank, he has had no particular friendship for me, and it may be, that a little of the old leaven has worked upon him to seek this controversy, and "Feed fat the ancient grudge he bears me." * *

My account of the battle of the Pekatonica gives to General DODGE the credit of having conducted and fought the best battle with the Indians, since the introduction of fire-arms amongst them. Mr. PARKISON merely for the purpose of under-rating me and my statements, reduces the number of Indians slain on that occasion over one-fifth, thereby attempting to deduct that amount from the well-earned fame of General DODGE acquired by that battle.

Very Respectfully,

Your Obed't Servant,

CHARLES BRACKEN.

APPENDIX No. 11.

STRICTURES UPON GOV. FORD'S HISTORY OF THE BLACK
HAWK WAR,

BY MAJOR PETER PARKISON, JR.

MADISON, Sept. 10, 1854.

Mr. BROWN, Editor of the Argus & Democrat:

DEAR SIR:—Upon my arrival in this place, a few days since, my attention was called to a couple of chapters of Gov. FORD's History of Illinois, published in your paper, purporting to be a true history of a portion of the *Black Hawk war*, in which the manifest object of the historian is so apparent, and the means made use of to accomplish that object are so unsupported by truth, that I (as one who was an eye witness to nearly all the circumstances pretended to be given in those two chapters, and one who is unwilling that the public mind should be misled upon this subject) am constrained to give them a passing notice.

In the first place, it is not true, as stated in Gov. FORD's History, that Gen. DODGE endeavored to avoid going from Fort Winnebago to the rapids of Rock River (where the enemy was then supposed to be) in consequence of the worn down condition of his horses; neither did he refuse to go without written orders from Gen. HENRY. The facts are, that Gen. DODGE was the first to suggest and urge this course to Gens. HENRY and ALEXANDER—Gen. HENRY assenting, and Gen. ALEXANDER dissenting. This was the universal understanding at the time by all parties. I have since been informed by Col. DANIEL M. PARKISON, of Lafayette

county, who commanded a company under Gen. DODGE at the time, and who was an intimate friend of both Gen. DODGE and Gen. HENRY, that such was the fact, that he was present and heard the conversation.

Neither is it true, that Gen. HENRY's men and officers attempted to mutinize at this place. I deem it quite unfair as well as ungenerous in the extreme, to detract from the merit of Gen. HENRY's men and officers, and every body else, for the purpose of making a Gen. Jackson of Gen. Henry—nothing which Gen. HENRY would never have done; he was a brave and generous man, and no man esteemed him higher than I did. I had known him from my boyhood, and he had been one of my father's warmest and most intimate friends for more than ten years. But at the same time, many of his friends and officers were my friends and intimate acquaintances, and are yet living, and it is but justice to them that I should repel this slander.*

From this point Gen. DODGE was certainly the main-spring, the life and energy of the army, suggesting and planning all its movements; and none could be mistaken in this particular who were present, and unprejudiced. This was but natural, and can be said without any just prejudice to the reputation of Gen. HENRY. Gen. DODGE had acquired a high reputation as a military man, and as an Indian fighter. He was well acquainted with the country, with the Winnebagoes, (who were our guides), with Mr. POQUETTE, (who was our interpreter); and Gen. HENRY was not so vain-glorious, as to be unwilling to be governed by the suggestions of Gen. DODGE.

Many particulars on the march from this Point, (Fort Winnebago), to the Wisconsin, are very incorrectly given, and many omitted by Gov. FORD. But as it is not my purpose, upon the present occasion, to point out all of the mistakes of Gov. FORD, only where they effect the parties concerned, I will only notice

*It would appear that there was, after all, something that squinted towards mutiny among a portion of Gen. HENRY's troops. We have Gov. FORD's statement corroborated by Gov. BOWDOEN, in his *Life and Times*. In Gen. BRACKEN's strictures, allusion will also be found to it. L. C. D.

two, which are of the same note, and sufficient to satisfy any one that there is considerable guess work about his history.

First, he makes no mention of the killing of an Indian on the bank of the Third Lake, near where the Lake House now stands, a circumstance known to all of the first settlers of Madison.

Second, he says two Indians were killed about noon of the day on which the troops marched from this place to the Wisconsin, when there was but one. The incorrectness of these particulars and many others that might be pointed out are sufficient to satisfy my mind that the main objects of Gov. Ford in writing this History of the *Black Hawk* war was, first, to make money, and next, to detract from the well earned fame of Gen. Dodge.

The particulars of the battle of the Wisconsin are as incorrectly given as any man could give them who knows nothing of them whatever. The Indians are said to have flanked to the right, when they most certainly flanked to the left. Gen. Dodge is said to have refused to charge the enemy, without reinforcements; when the facts are that he charged them, with his single squadron alone, and received almost their entire fire and killed many of their number, before any of the Illinois forces could be brought successfully to bear upon them. This was in consequence of his position in front, where Gen. Henry had placed him for the purpose of receiving the first fire and terrific yell of the Indians; having, as Gen. Henry expressed it himself, some doubts whether his men would stand the first fire and the frightful savage yell; and well he might have some doubts of this character, as the Illinois troops had, upon two occasions, fled at the first onset of the Indians.

Upon the second charge upon this occasion, it is most untrue, that Gen. Dodge and his men took no part in the charge, as the idea is clearly conveyed in the chapters published in your paper. This charge was suggested by Gen. Dodge to Gen. Henry, as I am most credibly informed, and I know upon this occasion as upon all others, where I was with the army, that Gen. Dodge's squadron was the foremost, most prompt and energetic. To say

anything else of them is most ungenerous as well as most untrue. They were in their own country, defending their own immediate families and firesides, and it was expected of them that they would take the foremost rank at all times of danger, and in no instance was that expectation disappointed.

At the battle of Bad Ax, Gen. DODGE and his squadron are again grossly misrepresented by Gov. FORD's History, as I am informed by those who were there, and with whom I have conversed since seeing the publication in your paper, and in whom I have the utmost confidence, as their version of the affair corresponds with what I have always understood to be the facts. That here, as upon other occasions, Gov. DODGE and his squadron were in front, and in the thickest of the fight; Capt. DICKSON, of Grant county, commanded the spy company, and brought on the engagement between the scattering parties, while Capt. GENTRY, of Iowa county, with his company, brought on the engagement between the main bodies.

Again, it is not true that Gen. HENRY was placed in the rear, in charge of the baggage trains. First, there were no such trains upon this occasion, as every man carried his own provisions. Second, Gen. HENRY marched next in front to Gen. DODGE's command; and that Gen. ATKINSON had no wish to degrade Gen. HENRY, or detract in the slightest degree from the merit he was entitled to, as intimated in Gov. FORD's History, it is only necessary to mention the fact, that after the battle at this place was over, Gen. ATKINSON met Gen. HENRY and Gen. DODGE both at the same time, and taking each of them by the hand, said, with much warmth and feeling: "my brave fellows, you have forced me on to victory."

Without wishing to do the slightest injustice to Gov. FORD or his History, I am constrained in justice to all parties concerned, and in justice to the truth of history, to say, that the accounts which he gives of all, or nearly all, the incidents contained in the two chapters published in your paper, are very incorrect, and I hope I may be permitted to make the remark, that too many of our

histories are written by men, like Gov. FORD, who know nothing personally of the matters about which they write.

The killing of St. VRAIN and his party, and the battle of the Pekatonica, are very imperfectly and incorrectly given by Gov. FORD. I was at the burying of Mr. St. VRAIN and his party, at which AQUILLA FLOYD was also present, who had with two others of the party, made his escape, and his account of the affair certainly bears no analogy to that given by Gov. FORD. I was also an unimportant actor in the battle of the Pekatonica, and know the account given by Gov. FORD to be quite as I have stated. The affair at Pekatonica was the first defeat that the Indians had met with since the commencement of hostilities. They were a chosen band of fourteen, occupying the most advantageous position, under the bank of a slough completely covered, or concealed by thick under-brush. We were nineteen in number, and exposed to their cool and deliberate first fire, at which four of our men fell, leaving us but one superior to them in numbers. It was a hand-to-hand encounter, steel clashed against steel, the woods resounded with the most terrific yell of the savage, until the last one was exterminated; and had you been there, I am confident, Mr. Editor, you would have thought it a little more than a simple *killing* of a few red skins.

Up to this period, the Indians had been signally triumphant in every engagement. Maj. STILLMAN, at the mouth of the Kish-wau-kee River, about 30 miles above Dixon, on the Rock River, had been most shamefully defeated, by a force much inferior to his own. Soon after this, Col. (at that time Maj.) DEMENT, at Kellogg's Grove, suffered a most disastrous defeat by a much inferior force to his own; and, not long after this, Maj. STEPHENSON, commanding the most chosen troops of Illinois, was also signally defeated by the enemy.* Thus it will be seen, that the enemy had, in every instance, been victorious over the Illinois forces. Being em-

* Strictly speaking, Majors STEPHENSON and DEMENT's encounters with the Indians happened after the Pekatonica battle—the former on the 18th, and the latter on the 25th of June.

boldened by these decisive victories, achieved over much superior forces, and in quick succession, they conceived the bold and daring project of making themselves complete masters of this country, by at once attacking and destroying the defenseless inhabitants, which bold movement they carried into operation by a simultaneous attack upon the inhabitants of Apple River, Sinsinawa Mounds, in Grant County, Blue Mounds, and Hamilton's settlement. Gen. Dodge had just at this period, returned from an expedition to Ottawa, on the Illinois River, where Gen. ATKINSON was then at head quarters with the main forces of the army.

Gen. Dodge had made this expedition for the purpose of representing to Gen. ATKINSON, the exposed and defenseless condition of this country, and urge upon him the necessity and importance of prompt and energetic movements on the part of the army.

This was the second trip Gen. Dodge had made to the main army for this purpose, and for the additional purpose of obtaining some immediate force with which he could successfully keep the enemy in check, until the main body could reach this country. But failing of this last object, he hastened home, when, after almost incessant marching for eight days and nights, he arrived just in time to meet the threatened danger, and gave the first and effectual check to the audacity of the enemy in the battle of the Pekaytonica.

Gen. Dodge's entire force at this time did not exceed one hundred and fifty men, and they were dispersed in every part of the country at their respective forts; but by the most prompt, energetic and persevering movements of Gen. Dodge, (aided by every one of his officers and men,) from one point of danger to another, the enemy was kept in check until the slow movements of the main army enabled it to reach this country. After its arrival here, so discouraged and disheartened were many of the Illinois troops with the slow and unsuccessful movements of their officers, that they sought to make Gen. Dodge their commander. (I say not this of Gen. HENRY's men, with him they were fully satisfied,) and it would no doubt have been fortunate for Gen. Dodge had this satis-

faction prevailed with the men throughout, for I am confident that it was the jealousy of the Illinois officers towards Gen. Dodge, growing out of this cause, which has given rise to the false statements respecting the conduct of Gen. Dodge upon the occasions alluded to in Gov. Ford's history. It is but just to say, and I do say it without the fear of successful contradiction, that after the main army reached this country, every prompt and energetic movement of the troops which had a tendency to overtake the Indians and terminate the war, was suggested and urged forward by Gen. Dodge; and if any particular credit is due to any one individual for the successful termination of the war, it is certainly due to Gen. Dodge. I am confident in my own mind, and I have heard the remark often from men in the Illinois forces, as well as men of this country, that if it had not been for the prompt and energetic movements of Gen. Dodge, the Indians would have made themselves masters of this country, despite Gen. Atkinson and the "Sucker army," as it was called. This was the universal impression and expression at the time of all unprejudiced persons.

All the historians who have written respecting this war, have given Gen. Dodge the credit of being the principal man in it. These men, or many of them, write from dates kept by them, in camp, kept from day to day, and not from information given them by jealous and unsatisfied officers, and had it not been for the superior sagacity of Gov. Ford, of Illinois, the extremely small and insignificant part which Gen. Dodge took, or acted, in the *Black Hawk war* would probably never have been known. How long it took to make this discovery, we are not informed. But one thing is certain, that it never came to light until about 22 years after the circumstances took place, and not until after the author, and nearly, if not quite, all of his sources of information had passed out of existence.

I have not the least fears, but that a just and discriminating public will readily discover the true object of the historian. As to the secret connivance of Gen. Dodge and Doctor PHILLIPS about

the publication of the battle of the Wisconsin in such a way as to rob General HENRY of his merit in that affair, I know nothing, and moreover do not believe there is one word of truth in it. I know that the account published in that paper (the *Galenian*) of that battle, as well as all others, was substantially true, and I also know that Gen. HENRY was too bold and daring a man to have passed unnoticed any such low and cowardly conduct. Neither would Gen. DODGE or Dr. PHILLEO (who was a brave and warm-hearted man, and an old friend and acquaintance of Gen. HENRY) have been guilty of any such meanness.

The letter which purports to have been written by Gov. FORD, to Gen. DODGE may have been written, but I am confident no such letter was ever received by Gen. DODGE—at least, I never heard of it.

Gov. FORD endeavors to throw disrespect upon Gen. DODGE for assuming to be Colonel commanding Michigan volunteers, when in fact he was only Major, as Gov. FORD calls him. If Gov. FORD had been correctly informed on this subject, as he should have been upon all others about which he wrote, he would have known that Gen. DODGE was in fact Colonel commanding Michigan volunteers. We were then under Michigan jurisdiction, and General DODGE was appointed Colonel by Gen. CASS, the Governor of the then Territory of Michigan, and his forces were Michigan volunteers.

I have already extended this communication much beyond what I contemplated in the out-start. I am well aware, that my communication is not written in the same interesting, racy and spicy manner as Gov. FORD wrote, but it contains facts derived mostly from my own personal knowledge, and the remainder from the most reliable sources, and as you no doubt had no motive in the publication of Gov. FORD's chapters, except that justice should be done to all, you will no doubt readily give this the same publicity.

I would here remark, that I have not been prompted to write this communication by any feelings of obligation to Gen. DODGE,

or any one else ; but solely that justice may be done him, as well as others concerned.

I am, Sir, your obedient servant,

PETER PARKISON, JR.

APPENDIX NO. 12.

FURTHER STRICTURES ON GOV. FORD'S HISTORY OF THE
BLACK HAWK WAR.

BY GEN. CHARLES BRACKEN.

A STATEMENT OF THE MOVEMENTS OF THE AMERICAN TROOPS PRIOR AND LEADING TO
THE BATTLES OF WISCONSIN HEIGHTS AND THE BAD AX.

Gen. WM. R. SMITH, Pres't of the Wis. State His. Society :

SIR:—Some time in the spring of 1847, Captain JAMES H. GENTRY called on me, as I understood, at the request of Gen. HENRY DODGE, stating that Governor FORD had in some lectures delivered by him the previous winter before the Illinois Legislature at Springfield, in that State, made numerous mis-statements with regard to General DODGE, touching events in the *Black Hawk war*, requesting me, who had served on his staff,* and as one familiar with those events, to make a statement of them in writing; more particularly as to the means used by him at Fort Winnebago, to ascertain precisely the whereabouts of BLACK HAWK and his warriors, and to induce Generals HENRY and ALEXANDER to disobey the orders of General ATKINSON, (which required them to return to his camp by the same route by which they had marched to the fort,) as by returning to Rock River in a more northerly direction, they would place the enemy between ATKINSON and themselves, and thereby force them to battle.

* Lieut. BRACKEN acted as aid to Gen. DODGE, and adjutant of DODGE's regiment, and was the only officer of DODGE's command who was mounted during the battle of Wisconsin Heights. Gen. BRACKEN has been long and prominently in public life, and served as representative in three sessions of the Territorial Legislature—1839-40.

Such statement I then declined making, which I now very much regret, because I put it out of the power of General DODGE to refute by any other than his own statement the many misrepresentations with regard to himself, which were summed up in a letter addressed by Governor FORD to him, dated from Versailles, Brown county, Ill., April 13th, 1847. I further regret that I did not make such statement at that time, because, if submitted to Governor FORD, it might have been the means of enlightening him on the subject, and thereby prevented him from publishing many misrepresentations that now appear in his book as history.

Having very lately perused Gov. FORD's history, and seen in it so many misrepresentations, I have come to the conclusion, that it is a duty which I owe to the future, and an act of justice which I owe to Gen. DODGE, to state what I personally know, more particularly regarding the movements under DODGE and HENRY from Fort Winnebago, by which the Indians were overtaken and defeated at the Wisconsin; wherein I differ materially from Governor FORD, as well as in some other matters touching that campaign.

It is my intention to place this statement in the archives of your Society, but before I do so, I submit it to the public in print,* so that if I have made any misrepresentations, they may be corrected. I will here state, that in my narrative of the war, published in your History of Wisconsin, at page 219 in the third volume, you say, "a detachment of some 250 men, consisting of the commands of HENRY, POSEY, ALEXANDER and DODGE." You should have said, "DODGE's command of about 250 men, together with HENRY's and ALEXANDER's brigades." I merely refer to this error in your history, because, if not corrected, there would appear to be a discrepancy between it and my present statement.

Every person who has read FORD's history of Illinois, will agree with the author of the introduction to the work, that Gov. FORD was "a man of strong feelings." I knew him personally, and can

* This article first appeared in the *Mineral Point Democrat*, April 30th, 1856.

bear my testimony, that if he possessed great bitterness of feeling towards those he disliked or considered his enemies, he was as warmly devoted to his friends; and saving his prejudices, he was truly an honest man. It must also be apparent to those who have perused his history, that it has been compiled principally from his recollection of men and things, and from information derived from others. This is particularly the case with regard to the *Black Hawk war*. Governor FORD did not serve in that war, was not present at any of the events of which he speaks, and consequently he has been made the instrument of some small men in Illinois, who are their own trumpeters, to laud their feats of arms and to detract from others.

About the first of July, 1832, the army commanded by Gen. ATKINSON, operating against BLACK HAWK and his warriors, moved up the valley of Rock River. The right wing, composed of the United States regular soldiers and HENRY's brigade of Illinois volunteers, commanded by Gen. ATKINSON in person, marched on the east side of the river. Gen. ALEXANDER's brigade formed the centre; and the left wing, consisting of POSEY's brigade and the miners under Gen. HENRY DODGE, rendezvoused at Wiota, and marched from that place about the same time for Kosh ko-nong Lake.

Gen. DODGE's command consisted of five companies of mounted men, commanded by Captains GENTRY, CLARK, DICKSON, PARKISON and JONES, and about twenty Menomonee Indians and eight or ten white men, commanded by Col. W. S. HAMILTON. On the march, near Sugar River, he was joined by Capt. JAMES W. STEPHENSON's company of about eighty men from Galena, which made his force fully three hundred men. Near the Four Lakes, the WHITE CROW, or *Blind*, a Winnebago chief, also joined him with about thirty warriors.

Before arriving at Kosh-ko-nong, the officers and men of DODGE's command became dissatisfied with POSEY's brigade. No one questioned Gen. POSEY's courage, and all admitted him to be a gentleman, yet he did not possess the firmness requisite to command

volunteers; and though he had under his command many intelligent and brave men and good officers, yet his want of decision rendered his men insubordinate and disorderly. Fearful if we should encounter the enemy, that they would desert us, and leave us to be overpowered by numbers, the miners to a man insisted on exchanging them for either HENRY's or ALEXANDER's brigade. This was effected on our arriving at Lake Kosh-ko-nong. After we had pitched our camp for the night at that place, Gen. DODGE repaired to ATKINSON's camp, which was about six miles distant, at the outlet of the lake, and procured an exchange of POSEY's for ALEXANDER's brigade. Gen. ALEXANDER having joined us early the next morning, we moved up the west side of Rock River, and on the second day joined Gen. ATKINSON at the Burnt Village on Bark River.

The provisions of the volunteers being nearly exhausted, DODGE's command, with HENRY's and ALEXANDER's brigades, were ordered to Fort Winnebago, about fifty miles distant, for supplies. Gen. DODGE with his command of between two hundred and fifty and three hundred men, proceeded in advance of HENRY and ALEXANDER. This was a movement fraught with the greatest danger to him and his command; the march was directly toward the enemy, who were estimated at from 800 to 1200 warriors. Had we encountered them, being beyond supporting distance from the Illinois brigade, we must have been overpowered. Fortune, however, favored us, and we reached Fort Winnebago on the evening of the second day, and shortly after were joined by HENRY's and ALEXANDER's brigades.

On arriving at the fort, Gen. DODGE at once set to work to find out the position of the enemy from a number of Winnebago Indians who were at that time at the fort. This he effected through PIERRE POQUETTE, a half-breed and their interpreter, over whom he had great influence. Through him he learned that the enemy were encamped on Rock River, at a place now known as Hustis' Rapids. Having ascertained the position of the enemy, his next object was to prevail on Generals HENRY and ALEXANDER to dis-

obey their orders from Gen. ATKINSON, by varying the line of march in returning to his camp, so that, by striking Rock River above the enemy, they would place them between ATKINSON and themselves, and as it was known that the Indians were encumbered with their women and children, they could be forced into a battle.

The negotiation on this subject was opened first with Gen. HENRY by Maj. JAMES W. STEPHENSON, of the Galena company, serving under Gen. DODGE. Between HENRY and STEPHENSON the closest intimacy existed; they had been arraigned together at Edwardsville, Ill., for a high crime, of which, however, they had been honorably acquitted. Maj. STEPHENSON possessed great influence over Gen. HENRY, and on this occasion he used that influence to induce him to embrace warmly the plans of Gen. DODGE. The co-operation of HENRY being secured, the subject was then submitted to a council composed of the superior officers of the two brigades. ALEXANDER and the officers of his brigade altogether refused to join the expedition, and the officers of one regiment of HENRY's brigade also refused to march in that direction, but were finally prevailed on to do so.

DODGE and HENRY having agreed on their line of action, preparations were immediately made for a march. All the men of of their respective commands who were riding horses that were unfit for the expedition, were discharged. In DODGE's command these amounted to about twenty-five men. He was not reinforced here by CRAIG's company from Galena; but that company, however, subsequently joined him and did good service after we had crossed the Wisconsin river in the pursuit of the enemy to Bad-Ax. Having secured the services of POQUETTE and a number of Winnebago Indians as guides, the expedition, numbering about seven hundred men, marched on the 15th of July, in the direction of the enemy on Rock River. Arriving at an Indian village on the river on the third day, no indications of the enemy were found other than some trails that appeared to be several days old. From here an express was dispatched to Gen. ATKINSON; this express,

after proceeding a few miles down the river, fell in with a fresh trail of the enemy, evidently bearing towards the Wisconsin river, and immediately returned and reported their discovery.

POQUETTE and the Winnebago Indians, from the time we left the fort, at all our halts and encampments, invariably made their camp-fires close to that of Gen. DODGE. No man who knew him, ever suspected the honesty or patriotism of POQUETTE. He possessed unbounded influence over the Indians; treachery could not have existed among them in our camp without his knowing it; and none in that encampment ever heard before it was printed in FORD's History, that Major MURRAY McCONNELL had discovered that those Indians were treacherous; that he had single handed and alone, stopped more than a dozen of warriors in their flight from our camp, carried them to the quarters of General HENRY, where they confessed their treason—and all this too without the assistance of POQUETTE, their interpreter, the only man in the camp who could render into English a single word they said!*

* Whether Gov. FORD has made some mistake in this matter, we know not, but Gov. REYNOLDS, in his recent *Life and Times*, seems to corroborate it. REYNOLDS states, that on the second day's march of Gen. HENRY and Col. DODGE from Fort Winnebago, their spies seized two unarmed Indians who *said* they were Winnebagoes, but the whites considered them as Sauks, and spies of BLACK HAWK; and with this impression, they were confined. That upon the return of Adjutants WOODBRIDGE and MERRIMAN, and their Indian guide, a chief called LITTLE THUNDER, when WOODBRIDGE narrowly escaped being shot by one of the sentinels in the dark, the two Indian prisoners, who had heard from LITTLE THUNDER that the trail of BLACK HAWK's band had been discovered, managed to effect their escape, but were re-captured in this wise: "Major McCONNELL," says Gov. REYNOLDS, "had been out about dark reconnoitering some distance from the main army with another person, and had found the Indian trail of BLACK HAWK. The individual returned alone to the army, and reported the fact. Just at dark—McCONNELL was still reconnoitering—two Indians came through some brush-wood, within ten yards of him, and one of them gave an Indian whoop, evidently showing great alarm. McCONNELL supposed the Indians were the enemy, and was about shooting, when one of them cried out in tolerable English, 'Good Indian, me!—good Winnebago!' McCONNELL immediately discovered that they were the two prisoners who had been marching with the army. He captured them, and tied their hands behind their backs, and marched them to camp. In this enterprise with the Indians, and throughout the whole campaign, Major McCONNELL displayed efficiency and courage as a soldier and an officer, which won for him the approbation of the whole army. The Indian prisoners confessed their guilt, that they were spies for BLACK HAWK. They expected to be shot; but the General did not proclaim their guilt, and they were spared. The General acted with humanity, as the army was then nearly on the Indian trail, and the spies could do no injury to the whites, and to destroy two deluded, unarmed human beings, after their having been prisoners for some time, seemed to be a cruel act. The General was compelled to exercise much care over the Indians, or some volunteer might have shot them, if the fact had been known." Maj. McCONNELL still lives, and is a well known citizen of Illinois.

L. C. D.

Having by the discovery of the express got hold of something tangible with regard to the whereabouts of the enemy, the pursuit commenced early next morning. It was rapid and persevering until we reached the Third Lake, early in the afternoon of the second day. Here Gen. HENRY refused to advance, until a neck of land, formed by the junction of a creek with the lake, over which the trail of the Indians led, and which was covered with a heavy growth of underbrush, had been examined by our spies, under Capt. Jo. DICKSON. After this was effected, it was deemed too late for a further advance that evening, and we encamped for the night on the bank of the lake.

Early the next morning the pursuit was renewed. An Indian who was sick and unable to travel, was shot the moment the eye of Capt. FRED. DICKSON, of Capt. Jo. DICKSON's company of spies, fell on him, he not being aware that the Indian was sick. This Indian was killed on the bank of Third Lake, within less than one half mile of where the Capitol now stands. Another sick or disabled Indian who begged for quarters was shot by Dr. PHILLEO during the pursuit. In falling, the Indian discharged his gun, and wounded a young man of CLARK's company, of DODGE's command.

The advance, from the time we left Rock River, preceded by Capt. Jo. DICKSON's spies, was led by Col. W. L. D. EWING's battalion of HENRY's brigade, the order of march being in two columns. DODGE's command becoming dissatisfied with the slow gait at which EWING's battalion led the pursuit, reasoned among themselves that it was safer to dash ahead, overtake the enemy, and fight them on *terra firma*, than to suffer them to reach the islands of the Wisconsin, where if we advanced on them, we would be without cover and liable to be shot in the water. They therefore insisted on Gen. DODGE's taking the lead and engaging the enemy with his command. For this purpose the heads of our columns, striking off at a brisk trot, were inclined to the right and left of EWING's battalion. On seeing this movement, that officer urged his men forward with blows and curses, and succeeded in keeping up with us, and held a position in our centre.

In this order we advanced rapidly, halting and forming once or twice to meet the enemy, who appeared in some numbers in our front, until we arrived near the Wisconsin bottom, where the horse guard was told off, and the men dismounted. This had scarcely been effected, when Capt. DICKSON and his spies came galloping over a ridge a little in advance of us, pursued by a number of the enemy. The columns immediately advanced, EWING's battalion forming the centre, to the top of the ridge, and formed in line by wheeling the heads of columns to the right. One fire from our line caused the Indians to retreat as rapidly as they had advanced. We occupied this position until the arrival of General HENRY with COLLINS', JONES' and FRY's regiments, who, owing to our rapid advance, had been left far in the rear. During this delay, the enemy were concentrating their forces on a hill that commanded our position, about two hundred yards in advance of us, and kept up a constant fire on our line for fully one hour before HENRY arrived, and arrangements were made to charge them. When the line of battle was formed, DODGE's command, including EWING's battalion, formed the right wing; FRY's regiment was ordered to occupy a position on our right, to prevent the Indians from out-flanking us when we charged, consequently this regiment was not in the action. As I before remarked, owing to the delay of General HENRY in coming up, the main body of the enemy had concentrated in front of DODGE's command. I have no doubt but that the Indian commander, who occupied a high mound which overlooked our position, was deceived by the movement of FRY's regiment to our right. He reasonably supposed that movement was to cut him off from his women and children at the river. He was distinctly heard giving an order to his warriors in a loud voice, who immediately retreated. That the Indian commander fell into this error, is confirmed from the fact, that just previous to the charge, the hill fronting the right wing was covered with Indians, and although our advance was over open ground and in full view of the enemy, yet we had none killed and but one man wounded, in reaching

the position occupied by them*. The action lasted but a short time after the charge. In front of DODGE's command the principal part of the Indians were killed. The greater part of the Winnebago Indians who accompanied us from the fort, hid in sink holes or sheltered behind trees, except the WHITE PAWNEE and the son of WHITE CROW, who together with POQUETTE fell into our ranks, and fought uncovered like white men. All the Indians, together with POQUETTE, started for Fort Winnebago immediately after the action.

I have, in as condensed a manner as possible, given the movements of General DODGE and the volunteers under his command, from the time we joined POSEY at Wiota, until the close of the battle of the Wisconsin. I have shown conclusively, if credit is due to any one for having overtaken BLACK HAWK and his forces, and defeating them at the Wisconsin, it is to General DODGE. He planned the enterprise, and owing to the generous support he received from Gen. HENRY, carried it out. If he was not the actual commander, he was virtually so. He was the only officer holding the rank of Colonel (the highest rank to which he could be appointed under the Territorial law) commissioned by the Governor of Michigan west of the lake. He was from this appointment sole commander of the militia within the territory which was the seat of war, and from the extent of his command entitled to the rank of a Brigadier General. He had been appointed in the regular service as commander of United States Rangers, in which corps General HENRY had been appointed to a captaincy under

* The Indian commander was BLACK HAWK himself, if we may credit his own narrative of that affair. "I was mounted on a fine horse," says BLACK HAWK, "and was pleased to see my warriors so brave. I addressed them in a loud voice, telling them to stand their ground, and never yield it to the enemy. At this time, I was on the rise of a hill, where I wished to form my warriors, that we might have some advantage over the whites. But the enemy succeeded in gaining this point, which compelled us to fall back into a deep ravine, from which we continued firing at them, and they at us, until it grew dark. My horse having been wounded twice during this engagement, and fearing, from his loss of blood, that he would soon give out—and finding that the enemy would not come near enough to receive our fire, in the dusk of the evening—and knowing that our women and children had had sufficient time to reach the island in the Wisconsin, I ordered my warriors to return, in different routes, and meet me at the Wisconsin—and were astonished to find that the enemy were not disposed to pursue us."

him. He was by many years the senior of General HENRY, and had been a Major General in the State of Missouri, and held an important command on that frontier in the war of 1812, when General HENRY was in his boyhood*. That General HENRY virtually yielded the command, and implicitly entrusted himself and his brigade to the direction of General DODGE, are apparent from his declining to write letters, although urged to do so, claiming the honor of the expedition and victory.

General HENRY was truly a soldier, bravest among the brave! He was, however, young and inexperienced in warfare of any kind. Being patriotic and without vanity, and anxious to put an end to the war, he had the good sense to know, that he did not detract from his own merits by yielding to the guidance of one having the age and experience of Gen. DODGE.

Governor FORD states, that after the battle of the Wisconsin, General DODGE, in styling himself Colonel of Michigan volunteers, assumed a rank to which he was not entitled; he being the commander of a "small battalion;" and that he travelled out of the line of his duty when he addressed a letter to the commanding officer at Fort Crawford (now Prairie du Chien) informing him of the victory over the Indians, and advising him of the course that ought to be adopted, if the enemy attempted to reach the west side of the Mississippi by descending the Wisconsin River. I have heretofore explained the command Gen. DODGE held in the Michigan militia, consequently he assumed no rank to which he was not entitled; and in advising the commanding officer at Fort Crawford of the course he thought it proper for him to pursue to prevent the escape of the Indians, he did no more than his duty.

It having been ascertained, that our supplies of provisions were not sufficient to enable us to pursue the enemy across the Wisconsin, and being also encumbered with a number of wounded,

* And in that war, it may further be added, that Gen. HENRY's father served under Gen. DODGE; and hence it is not strange, that Gen. HENRY should have paid great deference and respect to the opinions of Gen. DODGE, who was so much his senior in years, and his superior in military experience.

it was thought advisable to return to the Blue Mounds, which could be plainly seen from an eminence near the battle ground. On our arrival there, DODGE's command, including STEPHENSON's company*, were ordered to their respective posts, with orders to rendezvous at Helena on the Wisconsin, as soon as General ATKINSON should arrive there with the regular forces.

Governor FORD asserts that General ATKINSON and the officers of the regular army, were so chagrined at the success of General HENRY in overtaking and conquering the Indians at the Wisconsin, that in the pursuit from the Wisconsin to the Bad Ax, Gen. ATKINSON placed the regular soldiers in the advance, and General HENRY and his brigade in the rear, to guard the baggage. This is very far from the truth. From the commencement of the march from the Wisconsin, DODGE's command occupied the post of honor, forming the advanced guard, supported by the regular soldiers under Col. Z. TAYLOR; Illinoisians, with HENRY's as the leading brigade, bringing up the rear. That HENRY's brigade may have marched next to the baggage train of the regular army is no doubt true, but not as its guard.

It cannot be questioned that Generals ATKINSON and BRADY, Colonels Z. TAYLOR and DAVENPORT, and the officers of the regular army serving under them, were well qualified to judge of the qualifications and merits of DODGE and HENRY—no newspaper puffs could impose on them—they well knew to whom to attribute the movement from Fort Winnebago, by which the enemy was overtaken and defeated at the Wisconsin, and those officers felt that the regular army was not degraded when the post of honor was occupied, in the pursuit to the Bad Ax, by General DODGE and the volunteers under his command.

From Governor FORD's account of the battle of the Bad Ax, it would also appear, as if the action was alone fought and won by HENRY and his brigade, while General ATKINSON, with the regular

* Col. D. M. PARKISON, in his narrative, page 355 of this volume, states, that "nearly all" of Capt. STEPHENSON's company, with himself at their head, left DODGE and HENRY at Fort Winnebago, and returned to the Mining country.

soldiers and DODGE's volunteers, were following an *ignis fatuus* up the river.

Early in the morning, the spies under Capt. JO. DICKSON had a skirmish with the Indians, in which he had one of his men severely wounded. Later in the day, after the regular troops and DODGE's volunteers had formed in line and advanced nearly to the top of the bluff overlooking the Mississippi River, DICKSON again attacked the enemy on the river bottom. Directed by the sound of his guns, the regulars and DODGE's volunteers marched directly down the bluff to his support. When they arrived on the ground, they found DICKSON severely wounded, and Gen. HENRY, who with his brigade had followed the Indian trail down a ravine to our left that led to the river, was on the ground, supporting DICKSON. From the point at which DICKSON was wounded, the enemy was followed down the river some distance, when both the regular troops and DODGE's command were engaged with them; and that they had the severest encounter with the enemy is apparent from the number of men they had killed and wounded, which on the part of the regular troops amounted to seventeen,* and on that of DODGE's to seven more, to wit: Captain JOSEPH DICKSON, Sergeant GEORGE WILLARD, privates SMITH, HOOD, LOWERY, SKINNER and PAYNE; of these, SMITH, HOOD and LOWERY died of their wounds. In HENRY's brigade there were but five men killed and wounded.† On the part of the enemy, I saw but one dead squaw and one warrior; there were, however, a large number of squaws and children taken prisoners.

In the pursuit from the Wisconsin to the Bad Ax, it was evident that the Indians were greatly distressed by starvation and sickness; numbers of dead warriors, women and children were found along their trail. Their principal subsistence seemed to be roots and the bark of trees; where they killed a horse for food, there was no vestage of the animal left but the hair. The day

* Gen. ATKINSON's official report states the loss of the regulars at five killed and four wounded and nine killed and wounded of the Illinois volunteers. L. C. D.

† The official report says seven killed and wounded.

L. C. D.

before they were overtaken by the army, they were encountered on the Mississippi River by the steam-boat *Warrior*, on board of which were a number of United States soldiers, under Lieutenant KINGSBURY, with two pieces of artillery; these checked their retreat across the river until towards night, when the boat was compelled to fall back to Prairie du Chien for a supply of fuel. Having supplied herself, she returned the next day at the close of the battle. After transporting a detachment of United States soldiers under Col. Z. TAYLOR, to two large islands in front of the battle ground, where it was supposed there was a number of the enemy, she left next day, carrying General ATKINSON, his staff, and nearly all the U. S. troops and wounded down the river to Fort Crawford. A short time previous to her departure, the celebrated Sioux chief WA-BA-SHAW, with a number of warriors, reported himself to Gen. ATKINSON. He was immediately dispatched in pursuit of the enemy, and the little remnant of BLACK HAWK's band of men, women and children who had escaped into their own country from starvation and the bayonets and bullets of the white man, were nearly all exterminated by that chief and his warriors, their hereditary foes.*

CHARLES BRACKEN.

April, 1856.

* BLACK HAWK thus speaks of this needless cruelty: "On my arrival at Prairie du Chien, I found to my sorrow, that a large body of Sioux had pursued and killed a number of our women and children, who had got safely across the Mississippi. The whites ought not to have permitted such conduct—none but cowards would ever have been guilty of such cruelty, which has always been practised on our nation by the Sioux."

Another incident of the war, which is nowhere mentioned in the narratives of the Wisconsin survivors of the war, was this—gathered from BLACK HAWK's autobiography, and Gen. ATKINSON's report of Bad Ax battle. That after the battle of Wisconsin Heights, a party of BLACK HAWK's followers descended the Wisconsin, hoping to escape to the west side of the Mississippi, that they might return home. But Capt. LOOMIS, who commanded the garrison at Prairie du Chien, and Gen. STREET the Indian Agent, had placed a detachment, a short distance above the mouth of the Wisconsin, under the command of Lieutenant RITNER, who fired upon the distressed and forlorn Indians—capturing thirty-two women and children, and four men, and killing some fifteen men; and BLACK HAWK adds, that "others were drowned, and the balance escaped to the woods and perished with hunger; among this party were many women and children." It is stated in the *Galena Gazette*, of August 6th, that on the 4th of that month, "a party of fifteen men from Cassville, under command of Captain PRICE, were reconnoitering the country between that place and the Wisconsin, and fell upon a fresh Sauk trail, making towards the Mississippi. They rushed with full speed of horses, and soon came upon, killed and took prisoners to the number of twelve." This party of Sauks were probably some of those who had escaped from Lieut. RITNER's attack.

L. C. D.

APPENDIX No. 13.

SOME ACCOUNT OF THE ADVENT OF THE NEW YORK
INDIANS INTO WISCONSIN.

BY GEN. ALBERT G. ELLIS.

The Holland Land Company had, for many years, held the pre-emption right of purchase from the Indians, to most of the land of Western New York, having derived it from Massachusetts originally, subsequently confirmed by the State of New York. A large purchase was made of the Indians, by PHELPS and GORHAM, of nearly all the lands east of Genesee River. Of the balance, lying *west* of that river, a large cession was made to that company, at a council of the Senecas, held at Geneseo, in Sept. 1797; *excepting certain reservations*. These reservations were large, and included the most choice parts of the whole.

“In 1810, the Holland Land Company sold all their pre-emptive right to the Indian reservations to DAVID A. OGDEN, for fifty cents per acre.” Mr. OGDEN and his associates in this purchase were afterward known as the “Ogden Company.” Up to 1817, they had succeeded in extinguishing but a part of the Indian title; the large reservations of Cattaraugus, Alleghany, Tonnewanda, Tuscarora, and Buffalo, still remaining. The anxiety of the company to effect the extinguishment of the Indian title to these reservations, and the removal of the Indians, had exhibited itself in various forms, and sundry unsuccessful efforts, for years. In this year, a new plan was conceived, and its accomplishment set on foot, to wit:—to secure in the West, by consent and aid of the

General Government, an extensive grant of lands from the western tribes, as a home or hunting ground for the several tribes holding the reservations in Western New York. This plan was pondered with great care, thoroughly matured, decided and acted upon by the Ogden company, with equal skill and vigor. One of the first steps, was to secure the consent and co-operation of the War Department, which was obtained.

A band of Indians, known as the Stockbridges—more properly the Mo-he-kun-nucks—had moved from Massachusetts at an early day, having obtained a cession of some five by seven miles square from the Oneidas, on the southern border of their reservation, in the county of Oneida, N. Y. The Mo-he-kun-nucks sold off a small tract on their southern border, to a few associated Indians from the remnants of various bands of New England tribes, now known as the *Brothertowns*. These two tribes had resided for several years on their new possessions near the Oneidas.

About the year 1817, a young leader, chief of the Mo-he-kun-nucks, SOLOMON U. HENDRICK, a man of much more than ordinary energy and talent among the Indians, succeeded to the head of affairs. He regarded the languishing condition of his people as a reproach to the former name and glory of the old Mo-he-kun-nucks, and used all his eloquence to persuade the young men to arouse, and make at least one effort to retrieve their name and character. He argued, with equal force and sound reason, that their then paralyzed condition was owing to their confinement to a small space of ground, and being surrounded and preyed upon, by the white inhabitants, from whose pernicious contact and example, especially with regard to drunkenness, they were sustaining a loss of all moral and physical energy and action; and urged, that their only hope for the future lay in *emigration westward*, and the securing of such an extent of country, as would enable them to form new settlements, at such distance from the whites, as to escape from grog-shops and whiskey.

Their resident missionary, Rev. JOHN SERGEANT, fell in with and seconded the views of the young chief. In a short time the whole

tribe was indoctrinated with the new scheme, and anxious for its consummation. The American Board of Missions gave their influence and aid; through whose suggestions the late Dr. JEDEDIAH MORSE, of New Haven, became deeply interested in the plan. This gentleman counselled the Indians and their friends to take immediate measures to have a visit paid, by some discreet agents, to the Western tribes, to select a proper point for location, and open negotiations for a cession of lands. Dr. MORSE himself was thought to be the very person to undertake such a mission. Application being made to the Secretary of War, Dr. MORSE was commissioned to make a general tour among the North-Western Indians, with a view to forming a better understanding between those tribes and the Government. Under this appointment, this gentleman spent the summer of 1820 in visiting several of the North-Western tribes. Whatever other purposes may have occupied the attention of this commissioner, it is certain that of securing a western retreat for the Stockbridges and other New York Indian tribes was a leading one; though the writer has no evidence of any collusion in the matter, at this date, with the Ogden Land Company. Green Bay was a point specially visited by Dr. MORSE, where he spent nearly three weeks, and preached the first protestant sermon ever delivered at that place.*

It must not be omitted here, that a part of the same tribe, adhering to a chief of much influence, named JOHN METOXEN, about the same period, sought a western asylum among the Miami Indians, on White River, in Indiana, and actually moved out to that country in 1817 and 1818†. The United States Government, however, purchased out the Miamies, and with that purchase fell the expectations of METOXEN and his adherents to a

* Dr. MORSE remained fifteen days at Green Bay, from the 7th to the 23d of July, 1820, as we learn from his Report. He was the guest of Col J. SMITH, then commandant of that garrison. L. C. D.

† The Miamies had, many years before, given the Stockbridges a large tract of land on White River, and confirmed it in July, 1817, and that summer two Stockbridge families moved there and took possession of the land, and the next year a large body migrated, but before their arrival, the Miamies had ceded their country to the Federal Government. L. C. D.

home in that country. The whole party moved to Green Bay in 1822.

A remarkable personage appeared among the Oneida Indians in the year 1816-17, no other than ELEAZER WILLIAMS, a descendant of Rev. JOHN WILLIAMS, of Deerfield memory, but who more recently claims to be the Dauphin of France—LOUIS SEVENTEENTH. It is no part of the present purpose to discuss his claims to be Dauphin, nor even to enter into his former history previous to his appearance at Oneida, further than to account for his location with that tribe. As a descendant of Rev. JOHN WILLIAMS*, he was sought out by the friends of the family, at the age of fourteen, and placed with Dr. ELY, of Long Meadow; he remained among the people of New England five years, after which he returned to his father, THOMAS WILLIAMS, one of the St. Regis' Indians. Arrived at that village from his studies in New England, he was soon approached by the Roman Catholics, who proposed to him to accept authority from their Bishop as teacher to the Indians of his tribe. This was in 1811. The war of 1812 called him to a new sphere. By invitation, he joined Gen. BROWN's army, under good pay, in *confidential* service; collecting through the Canada Indians important information of the movement of the British troops, and thereby, in several instances, rendering very important service to the American interests. He was in the affairs at Plattsburg and Sackett's Harbor, leading the French and Indians in those engagements, in one of which he received a wound from a splinter in the left side.

After the war he returned to St. Regis. Of an ambitious turn of mind, he did not long remain quiet in that village. In the summer of 1816, he made a tour in the State of New York, among the several tribes of the Six Nations. The Oneidas received him with kindness and attention. They were more inclined to civil-

* The Rev. JOHN WILLIAMS and family were captured in 1704, and taken to Canada, and his daughter, EUNICE, remained, became a firm Catholic, and married an Indian, by whom she had several children. With her Indian husband, she subsequently visited Deerfield, dressed in Indian style, and all efforts to regain her were ineffectual. From her descends ELEAZER WILLIAMS. L. C. D.

zation, and a party of them to christianity, than any other tribe of the Six Nations. Making his observations and reflections on their condition, after a short visit, he went to New York, sought an interview with the late Bishop HOBART, gave him an account of the condition of these Indians, and submitted to him a plan for their christianization, and the engrossing of the whole tribe in the Episcopal Church. The Bishop readily fell in with the suggestions of Mr. WILLIAMS, and immediately commissioned him as Catechist and Lay Reader to the Oneida Indians. WILLIAMS, besides being tolerably versed in the christian system and in theology, was thorough master of the Indian language, his mother tongue, besides being a natural orator and most graceful and powerful speaker, the *sine qua non* of persuasion and success with Indians.

He found at Oneida a nominal christian party, and the name only of a church under the patronage of the Presbyterians, a Mr. JENKINS being missionary. JENKINS was weak, inefficient, without influence; and his *cure* partook of the like character; the numbers were small, and the congregation on the decline. WILLIAMS saw at a glance his vantage ground. He told the Oneidas, it was a mistake in that order of christians to intrude themselves among Oneidas, and called to their recollection the fact, that two venerable missionaries of the London Missionary Society of the Church of England had many years ago planted the gospel among them. That old Dr. BARCLAY and Dr. OGILVIE,* of that church, had been specially commissioned by the Great Head of the church, to baptize the Oneidas, and that he, WILLIAMS, had been sent by the same divine authority to remind them of the claims of that church, and to bring them back to their allegiance. Instant success attended these addresses. Many of the older Indians of both sexes remembered Dr. BARCLAY and Dr. OGILVIE, and confirmed the statements and claims of the young Catechist:

* Rev. HENRY BARCLAY and Rev. JOHN OGILVIE were both, at different periods, missionaries to the Mohawks—the former at Fort Hunter in 1735, and the latter in 1756-'62; notices of them may be seen in Doc. Hist., N. Y. ii, 714, iii, 1152, iv, 310.

the whole christian party very soon forgot JENKINS, and hung on the teachings of WILLIAMS.

But his views went further; four-fifths of the whole tribe were Pagans, and held christianity in utter abhorrence; and the conversion of this part of the tribe now engaged his attention. Assuming a tone of authority, and demanding of them to listen to a message to them from the Great Spirit, he assembled them in the open air, and challenged them either to obey or refute the Gospel. In a few weeks the Pagan party made a formal renunciation of paganism, and recognized christianity as taught by the Protestant Episcopal Church as the true faith, and announced their determination, as a tribe, to receive it and encourage its promulgation among the people. The following winter, the chief of this party, taking WILLIAMS and their interpreter, repaired to Albany, and there treated with the Governor of the State for a cession of a part of their reservation, for the express purpose of building a Protestant Episcopal Church, and providing a small fund for the support of a minister. The church was built in course of the year—a very neat edifice, about thirty six by fifty feet, with a small tower, tastefully painted, and otherwise fitted up in an appropriate manner for a place of worship. WILLIAMS entered it as minister, though not as yet ordained; and the worthy Bishop was called to consecrate it, and confirm about fifty communicants.

The eclat of this sudden success of the Gospel at Oneida, under the efforts of Mr. WILLIAMS, sped far and wide, and brought him suddenly to great notice, and to a dizzy height. Had he been content to have continued in the work there, he might have been very useful to the Indians, and an honor to the Church. But the field was quite too small for his vaulting ambition: the little band of some fifteen hundred Oneidas, too incomparative to compensate his time and talent.

Whether Mr. WILLIAMS borrowed the idea from Dr. MORSE,* the

* "This was a plan of Dr. MORSE's," said Rev. JOHN SERGEANT in a letter, dated Dec. 16, 1821; and Dr. MORSE appears to have been in correspondence with Mr. SERGEANT about it, as early as June, 1818.—See MORSE's *Indian Report*, appendix, 116, 118.

Mo-he-kun-nucks, or the Ogden Land Company, or whether it was, as he stoutly maintained, original in his own mind, certain it is, that some time in 1818, he began to broach cautiously among his Indian people a proposition of removing all the Indians of that State, as well as many of those of Canada, and the Senecas at Sandusky, to the neighborhood of Green Bay, and there unite them in one grand confederacy of cantons, but all under one federal head; the government to be a mixture of civil, military, and ecclesiastic, the latter to be pre-eminent. Grand, imposing and fascinating in the extreme were the plans and designs of the new government, which he conceived and embodied, to lay before the Indian Chiefs. With some of the younger men, the thing took deeply; but with the older and more sober minded chiefs, it had no charm, and his late popularity, so high, now descended more quickly than it had risen.

Seeming to withdraw his proposition, he however adroitly plied his ingenuity with the younger men of note and talent in the tribe, and very soon succeeded in drawing into his plans some four or five of the young hereditary chiefs. Having secured this point among the Oneidas, he visited the other tribes of the Six Nations, and by holding out dazzling promises of future glory and aggrandizement, he enticed a few young men of each tribe to enter into his scheme. He next addressed the War Department, in imitation of the Stockbridges, soliciting its countenance and assistance to enable a delegation of twenty from the several tribes of the Six Nations to visit the Western tribes, for the purpose of obtaining a cession of country for a new home. The response of the Department was favorable, having doubtless been influenced by other parties moving for the same objects.

Thus, it is to be observed, that whether singular or not, there was a combination of influences, dissimilar in motive but perfectly consonant in purpose, all operating at the same moment in urging a removal of the New York Indians to Green Bay. Each one of the parties claimed the eclat of originating the scheme: we incline to the belief, however, that they all, the Land Company, the

Mo-he-kun-nucks and Mr. WILLIAMS, might, and probably did conceive, at pretty near the same period of time, the idea of a new home for these Indians in the West. But to proceed: In the winter of 1819 and '20, the application of the Oneidas, Tuscaroras, Senecas, Onondagas, St. Regis and Stockbridge delegates (the latter acting independent and separate) was made to the War Department, for permission to visit the Indians in the neighborhood of Green Bay. The response of the Department was made by granting them a copy of an order to the several Superintendents of Indian affairs, and Commandants of military posts, to issue to the delegates, not exceeding twelve, certain amounts of rations, blankets, powder, lead, &c., and to facilitate their movements on their journey. The Superintendent of Indian affairs at Detroit was moreover ordered to make a requisition, on the naval officer stationed at that place, for a U. S. vessel, should one be at that post fit for service, to be put at the disposal of the delegates to take them across Lake Huron and Michigan to Green Bay. Thus equipped, in July of 1820, the delegation repaired to Detroit*, and paid their respects to Gen. CASS.

As Superintendent of Indian Affairs, Gov. CASS received the party courteously; but it was soon apparent that as Governor of Michigan, the project of New York's quartering her Indian tribes on his territory, would receive no special encouragement, beyond the line of his duty, in obedience to the orders of his superiors. By him the delegates were furnished with the blankets, powder, lead, rations, &c.; but were informed that no Government vessels

* In the *Detroit Gazette* of Friday, July 28, 1820, we find the following mention of Mr. WILLIAMS' arrival and mission: "Rev. E. WILLIAMS, who has for several years past been officiating as a preacher for the Oneida Indians, in the State of New York, arrived here in the steamboat *Walk-in-the-water* last Saturday. He is accompanied by some of the men of the tribe, who constitute a delegation to visit the Indians in this Territory, for the purpose of ascertaining the prospect of success in the endeavor to christianize them. We learn that it is a further object with the delegation, to find a suitable tract of country within the Territory, to which the Oneida Indians, or a part of them, will remove—for this purpose the country in the vicinity of Green Bay will be visited. No doubt can be entertained of the importance of this project. The influence which the example of Indians who are in a great measure civilized, will have over the habits of their more unfortunate brethren, will, perhaps, have much more effect in weaning them from their savage modes of living, than all the theoretical lessons which can be given them by white men."

were fit for the service.* They were further informed, (and the news was astounding enough,) that their proposed journey to Green Bay, if for the purpose of treating with the Menomonees, would be quite unnecessary, as that tribe had a few days before ceded to the United States, Col. JOHN BOWYER, Indian Agent at Green Bay, acting as commissioner, *forty miles square* of their land in the immediate vicinity of Fort Howard. The eye of their intended purchase, the key to the country they sought—this purchase by the United States frustrated all their plans, defeated their dearest hopes. Chagrined but not discouraged, the delegates retraced their steps to New York. That State took the cause of its Indians in keeping. BOWYER's treaty was rejected by the Senate, and the ground again cleared of the impediments.

A new order was issued from the War Department to the Superintendents of Indian Affairs, and the commandants of military forts in favor of the delegates, for a renewal of their effort in 1821. Fourteen delegates went, three from the Stockbridges, four from the Oneidas, one from the Onondagas, two from the Tuscarora's, three from the Senecas, and one from the St. Regis, and arrived in Detroit in July of that year. Gov. CASS again received them courteously, but informed them that the French inhabitants at Green Bay were hostile to their intentions. The steam-boat *Walk-in-the-water* being expected in a few days on her trip to Green Bay, with a detachment of United States troops for that post, it was determined by the delegates to take passage in her. Gov. CASS added to the party, CHARLES C. TROWBRIDGE, clerk in his Indian Bureau, to superintend the negotiations for the United States. The party arrived at its destination early in August, 1821.† No Indian Agent was found at Green Bay, Colonel

* From HANSON'S *Lost Prince*, it appears that Gov. CASS was absent holding a treaty, as he says, with the Pottawattamies at Maumee River—but really on his exploring expedition to the copper region of Lake Superior—and Lieut. Gov. WOODBRIDGE with whom they conferred, declined furnishing them aid, as he said he had no authority to assist them. L. C. D.

† The *Detroit Gazette* of July 13th, 1821, thus notices the arrival at Detroit of Mr. WILLIAMS and his delegation: "Arrived yesterday morning in the steamboat *Walk-in-the-water*, the Rev. ELEAZER WILLIAMS, missionary to the Oneida Indians, with a deputation of the Six Nations, who are on their way to

BOWYER having died the winter before, and the vacancy not having been filled.

The Menomonees and Winnebagoes having been apprised of the intended visit of their *grandfathers*, the *Not-ta ways*, but a few days delay occurred before they appeared on the bank of Fox River, to meet their Eastern brethren. The reception of the delegates was cordial by the Menomonees and Winnebagoes, and had there not been a third party to interfere, the New York Indians would probably very soon have accomplished their object. The French inhabitants and half breeds settled at Green Bay, numbered about five hundred souls* ; their alliance with the In-

visit their brethren in the vicinity of Green Bay. The object of those who compose this mission, is (under the auspices of the General Government) not only to endeavor to plant the gospel among the Western Indians, but to treat with them for a tract of their territory, with a view hereafter to locate themselves, and such of their brethren as may be disposed to remove to that region. Thus it appears that our Government is not only willing, but is using practical means to ameliorate the condition of this unhappy people, and by an effort to concentrate and christianize them, rescue them from gradual extermination, their name from oblivion, and render them happy here and hereafter."

Mr. WILLIAMS and his party left Detroit on the 31st of July, in the *Walk-in-the-water*, with upwards of 200 passengers, mostly connected with the army, and arrived at Green Bay on the 5th of August. A corporal of the U. S. Infantry, who was a passenger in the boat, was drowned in attempting to swim the Fox River at Green Bay.

On this visit to Green Bay, Gen. ELLIS accompanied Mr. WILLIAMS. In HANSON'S *Lost Prince*, we find it stated, "As the mission at Oneida has suffered greatly in consequence of his [Mr. WILLIAMS] absence in 1820, he procured immediately on his return from the West, in the fall of that year, the services of a young gentleman of the name of ELLIS, to act as lay reader. The health of Mr. ELLIS was weak, and, in the spring of 1821, Mr. WILLIAMS determined to take him with him to the West for the benefit of his health." For some time Mr. ELLIS acted as school teacher for the mission school of the New York Indians, near Green Bay. Remaining in the country, Mr. ELLIS has proved himself a useful citizen. He executed, at Green Bay, in 1827, the first printing in Wisconsin. It was printing tickets for a lottery scheme, which was done on brier type, and instead of a press, a "plainer" was used to take the impression. When the *Green Bay Intelligencer*, the pioneer newspaper of Wisconsin, was commenced, Dec. 11th, 1833, by J. V. SUYDAM, Mr. ELLIS, after two or three numbers were issued, became connected with it; and twenty years later, we find him establishing the *Pinery* newspaper at Stevens Point, high up the Wisconsin. In the first Territorial Legislature, in 1836, he served as one of the representatives of Brown county, and again in 1840, '41, '42 and '43. He is now Register of the U. S. Land Office at Stevens Point. L. C. D.

* The French inhabitants consisted of two classes. 1st. Of former clerks of the old North West Fur Company, who had located there in early times, for the express purpose of Indian trade. These were generally men of good common education, intelligent, shrewd and of great influence with the Indians, among whom they had married. 2d. Of such men, engagés in the Indian trade, as had from age or infirmity become disabled from pursuing the voyaging business, and had retired taking up small patches of land, and finding subsistence in a kind of mixed life of agriculture and hunting; they, too, were all married with Indian women, had half breed families, and exercised a strong influence over the natives. A. G. E.

dians, particularly the Menomonees, was very close, and their influence with them very strong, almost potential. Some of the more shrewd among them very soon penetrated the ambitious design of WILLIAMS, which was no less than a total subjugation of the whole country, and the establishment of an Indian government, of which he was to be the sole dictator. The French and traders immediately organized into an opposition to the whole programme of the delegates. They were familiar with the Menomonees and Winnebagoes, present at their debates, counselled and advised with them in their deliberations, and when the answer of the Menomonees and Winnebagoes was given, it was a deliberate and decided refusal to cede them an inch of soil west of Lake Michigan. It was plain to all, that the French and half breeds had answered, and not the Indians. The delegates expressed as much in their reply and affectionately requested their brothers to re-consider the matter, and answer for themselves, independent of the French and half breeds.

Several days were spent by both parties in out-door discussions; the French and half breed interest, finding their position not safely tenable, counselled a kind of compromise, which being adopted, resulted in proposing a cession to their Eastern brethren, the Not-ta-ways, of a strip of land five miles in width, running across the Fox River at Little Chute as a centre, and thence to the North-west and South-east, equi-distant with their claims or possessions. In offering this cession to the delegates as their ultimatum, these tribes urged their limited possessions, the poverty of their hunting grounds, and their inability in consequence to subsist their people! The possessions of the Menomonees then reached from the mouth of Green Bay to the Milwaukee River, North and South, and from Lake Michigan to the Mississippi, South east and North-west. Those of the Winnebagoes included all the remainder of what is now known as Southern Wisconsin, except the inconsiderable tract west of Sugar River, claimed by the Sanks and Foxes. They were very much crowded, of course! The delegates saw that the object was, by placing them on a

great thoroughfare, the Fox River, between these two tribes, to establish such a surveillance over them as effectually to prevent any design or movement the New York Indians might ever attempt, contrary to the wishes or interests of the grantees, or the French inhabitants. After much deliberation, and a good deal of hesitation, it was concluded on the advice chiefly of HENDRICK, the Mo-he-kun-nuck chief, to accept the grant. A treaty was accordingly drawn up by Mr. TROWBRIDGE, and signed by the parties on the 18th of August, and witnessed by the citizens and U. S. officers at the post. Five hundred dollars were paid the Menomonees and Winnebagoes at the time, and fifteen hundred dollars stipulated to be paid in goods the following year, in full for the cession.

On returning to New York, Mr. WILLIAMS found a more formidable opposition to his proceedings, than he had met with at Green Bay. The Oneidas had held several councils disapproving of the whole plan of removing to Green Bay, condemning Mr. WILLIAMS' movements in the most severe terms, formally and solemnly repudiating the purchase at the West, and announcing, in the most earnest manner possible, their determination never to remove. All the other tribes, except the St. Regis, very soon took corresponding action on the subject, and censured in the severest manner the young men, delegates, who had assumed as such, to pledge the several tribes to their Western brethren. These proceedings were duly laid before the War Department. The Oneidas immediately divided into two parties on this question, as did also the Onondagas and Tuscaroras. The Senecas, as a body, all remained under the influence of their head chief, steadily opposed.

The tact and skill of WILLIAMS among the Indians, and the Ogden Land Company with the Department, enabled the friends of the measure to prosecute it still farther; all the old delegates in all the tribes remained true, and induced considerable numbers of their immediate friends to join them. They had no idea of remaining satisfied with the trifling cession obtained of the

Menomonees and Winnebagoes in 1821, but determined on a renewed effort the next year for its extension. Notwithstanding the remonstrances of the opposition, a new order was obtained from the War Department, providing for another visit to Green Bay. The delegation was still larger than the former year. JOHN SERGEANT, Jr., was commissioned by Gov. CASS to superintend such further negotiations as might be had, on the part of the United States. The party arrived at the Bay on the 1st of September, 1822, and took possession of the old Indian Agency House, on the west side of the Fox, which had been vacated by the decease of Col. BOWYER.

In about ten days the Menomonees and Winnebagoes assembled to greet their new friends the *Not ta ways*, as they called the New York Indians, and to receive the \$1500 payment, in goods, on the cession of 1821. Such an assemblage of wild Indians, young and old, women and papooses, was seldom seen. Of the two tribes, there could not have been less than five thousand souls, besides the New Yorkers, the French, half breeds, and Americans. The best specimen of Indian character, and especially of a war dance, ever seen by the writer, was there given for several days. The Winnebagoes, of that day at least, exhibited the largest, most perfectly formed set of both men and women, almost ever seen anywhere. The great display of action and muscle in these dances, struck the beholder with admiration and terror. The ring round the dancers contained several thousand, all singing in chorus to the lead of the chief drummer; the voices of the Winnebago women prevailing in clarion tones above the whole.

The payment of the fifteen hundred dollars worth of goods, was made with as much ceremony as possible by the delegates, accompanied by a set speech setting forth the great advantages that would be derived to their Western brethren by their settling among them. After the payment and the proper receipts of acknowledgment on the treaties, followed feasting, dancing, and a general hilarity for two days. The delegates then invited the Menomonees and Winnebagoes to a formal council, and renewed

the effort for a further extension of territory. Every argument and a most liberal offer in the shape of annuities for ten years, were proposed in vain. The Winnebagoes gave the answer, stoutly refusing further negotiations. That tribe soon left in a body to repair to their hunts. The Menomonees lingered, and were again got into council with the delegates, which conference continued for several days, and finally resulted in the great transaction which gave the New York Indians the foothold on Fox River, which they have in part maintained to this day. The Menomonees, for a trifling consideration, ceded to the New York Indians a *right in common* to the whole of their lands. Although some two of the principal chiefs were not present to join in this important cession, this treaty, as well as the one of the previous year, were approved by the President, and the New York Indians thereby recognized as joint owners with the Menomonees of all their immense territories comprising nearly half of the State of Wisconsin.*

* This treaty or purchase included all the country, beginning at the Grand Kakalin, on Fox River, thence east on the lower line of the purchase of the New York Indians of the preceding year, to or equi-distant with the Man-a-wah-ki-ah (Milwaukee) River; thence down said river to its mouth; thence northerly, on the borders of Lake Michigan, to and across the mouth of Green Bay, so as to include all the islands of the Grand Traverse; thence from the mouth of Green Bay northerly, to the Bay de Noque, on Lake Michigan; thence a westerly course, on the height of land separating the waters of Lakes Superior and Michigan, to the head of the Menomonee River; thence continuing nearly the same course until it strikes the north-eastern boundary line of the land purchased by the New York Indians the year preceding, and thence south-easterly to the place of beginning. This appears to have been a complete cession of "all the right, title, interest and claim" of the Menomonees, to the country described, reserving, however, "the free permission and privilege of occupying and residing upon the lands herein ceded, in common with them—the Stockbridge, Oneida, Tuscarora, St. Regis and Munsee nations; *Provided nevertheless*, That they, the Menomonee nation, shall not in any manner infringe upon any settlements or improvements whatever, which may be in any manner made by the said Stockbridge, Oneida, Tuscarora, St. Regis, or Munsee nations." The consideration was one thousand dollars in goods to be paid in hand, and one thousand dollars more in goods the next year, and a similar amount the year following. This treaty was concluded Sept. 23d, 1822. But President MONROE did not approve, to its full extent, this purchase; his approval, bearing date March 13th, 1823, is thus qualified: "The foregoing instrument is approved so far as it conveys to the Stockbridge, Oneida, Tuscarora, St. Regis, and Munsee tribes or nations of Indians, that portion of the country therein described, which lies between Sturgeon Bay, Green Bay, Fox River, that part of the former purchase made by said tribes or nations of Indians of the Menomonee and Winnebago Indians, on the 8th of August, 1821, which lies south of Fox River, and a line drawn from the south-eastern extremity of said purchase to the head of Sturgeon Bay, and no further; that quantity being deemed sufficient for the use of the first before-mentioned tribes or nations of Indians." This treaty, and that of the preceding year, may be found in full, appended to the Address of Hon. MORGAN L. MARTIN before the Wisconsin State Historical Society, Jan. 21, 1851.

The small immigrant party of some fifty of the Stockbridges, which came on this year, located late in the fall at the Grand Kakalin, on the east side of the Fox River. The year following, another tribe, which had joined the Mo-he-kun-nucks in the purchase, to wit, the Munsees, became identified in the interest, and a small party of the Brothertowns reached Green Bay the following year, and located at Little Kakalin, on the east side of the river.

The several tribes of the New York Indians now hoped to be able to occupy, without further hindrance or trouble, their new homes, jointly with the Menomonees; but subsequent events proved their wishes but half attained. The whites and traders at Green Bay saw that the Menomonees had been grossly overreached by their new friends, the New York Indians, in a bargain. They very soon showed that tribe, that in making the *Not ta ways* equal owners with them in their country, they could no longer control their own affairs, especially in the great business of treating with their great Father; that the New York Indians, if their treaties were to stand, would, in a short time, out-general them in tactics, and probably in numbers, and put them completely in the back ground in all public matters. The arguments had their effect, and in a short time the Menomonees repented of the bargain, and sought means to invalidate the treaties. The same ingenuity which had helped them to a dislike, found a ready pretext for denying and repudiating the treaties, especially the last one. It was said, that at the treaty of 1822, several of the chiefs highest in authority were not present, which, being true, gave the tribe a good reason for denying and withholding sanction to the arrangement. As usual in such cases, the Menomonees separated into two parties, the one adhering to the treaties and the interest of the New York Indians, the other denying them and resisting their rights to any part of the country. The adverse party had the support of all the trading interest, together with most of the half breeds, and soon became the strongest, both in point of influence and numbers.

Things were scarcely more favorable to the New York Indians in that State than in the West. The opposition to the whole plan became stronger with time, and great bitterness of feeling evinced itself by every sort of evil, and often false and slanderous report, about the Western Indians and country. Not one of the Senecas, Tuscaroras, or Onondagas, would hear a word of emigration. A small party of Oneidas, together with a second one of the Stockbridges, came out in 1823—the former under the lead of NEDDY ATSIQUET, located at Little Kakalin, where they remained until 1825, when they removed to Duck Creek.

With the opposition of a large part of the Menomonees to the treaties, and that of most of the several New York tribes to emigration, the Stockbridges, and a few of the Oneidas, being the only ones who had come out, things wore on with a discouraging prospect for the ultimate success of WILLIAMS' grand scheme, and the views and interests of the Ogden Company, till the year 1827, when the matter of the rights of the New York Indians came up before the council, at the treaty of Butte Des Morts, Hon. LEWIS CASS and Col. THOMAS L. MCKINNEY, commissioners.* The second

* It was at this treaty, that OSHKOSH, the present head Chief of the Menomonees, was first recognized. After the Council was opened, Gov. CASS said: "We have observed for some time the Menomonees to be in a bad situation as to their chiefs. There is no one we can talk to as the head of the nation. If anything should happen, we want some man, who has authority in the nation, that we can look to. You appear like a flock of geese, without a leader, some fly one way and some another. Tomorrow, at the opening of the Council, we shall appoint a principal chief of the Menomonees. We shall make enquiry this afternoon, and try to select the proper man. We shall give him the medal, and expect the Menomonees to respect him." A. G. E.

From HANSON'S *Lost Prince*, or Life of Rev. ELEAZER WILLIAMS, we make the following notice of OSHKOSH, as related in that work in connection with the treaty of Butte des Morts, in 1827: "On August 7th, two young men were called in front of the commissioners (one named OISCOS, alias CLAW, the other was called CARRON.) Col MCKINNEY then addressed them, and put medals around their necks. OISCOS or OSHKOSH, as the name is spelled in the printed treaty, was made head chief, and the future organ of communication with the Commissioners—and thus, by his instrumentality, the property of the New York Indians was given over to the United States. A short story, which Mr. WILLIAMS told me in conversation, will show who OISCOS was, and what a 'proper person' was found in him. One morning, at dawn of day, about a year previous to the treaty of Butte des Morts, a young half breed Indian, who was a distant relative of Mrs. JOURDAN, the mother-in-law of Mr. WILLIAMS, was paddling in his canoe down Hall Creek, a branch of the Fox River. It was still dark, so that objects could not be distinctly discerned. As he glided by the tall rushes growing near the bank, he observed them move, as if some animal was among them. Supposing it to be a deer, he fired at the spot where he saw the motion, and then paddled through an opening in the reeds to see the effect of his shot.

article of that treaty is in the following words, to wit: "Much difficulty having arisen from the negotiation between the Menomonee and Winnebago tribes, and the various tribes and portions of tribes of Indians of the State of New York, and the claims of the respective parties being much contested, as well with relation to the tenure and boundaries of the two tracts, claimed by the said New York Indians west of Lake Michigan, as to the authority of the persons who signed the agreement on the part of the Menomonees, and the whole subject having been examined at the council this day concluded, and the allegations, proofs and statements of the respective parties having been entered upon the journal of the commissioners, so that the same can be decided by the President of the United States; it is agreed by the Menomonees and Winnebagoes, that so far as respects their interest in the premises, the whole matter shall be referred to the President of the United States, whose decision shall be final. And the President is authorized, on their parts, to establish such boundaries between them and the New York Indians, as he may consider equitable and just." The United States Senate, in its ratification of this treaty, took care to save the New York Indians, by providing "that the said treaty shall not impair or effect any right or claim which the New York Indians, or any of them, have

To his inexpressible horror, he found an Indian in his canoe, which was half drawn on shore, drooping lifelessly over the side of his bark, with a shot through his head. As the deed was accidental, he had no wish to conceal it, and putting the body in his own canoe, paddled down to Green Bay, to the encampment of Oiscoss, as the Indian killed belonged to his party. On landing, he went strait to Oiscoss, and informed him of what had happened, when Oiscoss, who was drunk at the time, drew his knife, and plunging it repeatedly into his body, continued stabbing him till he was dead. He was arrested for murder, but as he was a man of great influence among the Indians, was acquitted. But though he had escaped the law, there was another tribunal, of a different kind, to which he was still exposed. There is a traditional institution among the Indians, very similar to the avenger of blood. Mrs. JOURDAN, as the relative of the slain, and a *medicine woman*, had only, according to the custom of the nation, to take a pipe and a war-club, and lay them down at the feet of any of the chiefs of the Menomonees, and pronounce the name 'Oiscoss,' in order to insure a just and immediate retribution. When the day appointed for the council at Butte des Morts drew near, fearing that unless he was reconciled with her, his life might be taken, he proceeded to her house, acknowledged the murder, threw himself on her mercy, and implored pardon. It was granted, and the only punishment he received was the fierce invective which the eloquent tongue of an indignant woman can bestow."

L. C. D.

to the lands, or any of the lands, mentioned in the said treaty," which was just equivalent to rejecting the second article of the treaty altogether.

In 1830, MESSRS. ERASTUS ROOT and JAMES MCCALL, of New York, and JOHN T. MASON, Secretary of Michigan, were appointed commissioners by the United States to effect between the contending Indians an adjustment of the whole matter. They arrived at Green Bay in August, and immediately assembled the Menomonees and New York Indians. Eight days were spent in council, and great exertions used by the commissioners to bring the party to terms. The Menomonees were inflexible. OSHKOSH, a powerful and influential chief, was at the head of the nation. He confessed to no knowledge whatever of the claims of the New York Indians; said as they were in the country, they could stay during good behavior, but must be regarded as tenants at will, and in no sense considered as owners or controllers of the soil. Several of the other chiefs held the same language. The commission broke up, effecting nothing.

Col. SAMUEL C. STAMBAUGH, of Pennsylvania, was appointed Indian Agent to succeed HENRY B. BREVVOERT, who had been removed. The new agent soon became acquainted with the relative position of the contending parties, and espoused the interests of the Menomonees, traders and whites, in opposition to the New York Indians. He affected to have examined the several treaties, and the whole ground of the claims under them, and told the Menomonees that they were without validity or force, and that duty to themselves and their children demanded an absolute denial of the whole claim. No advice could have gone farther to place him in favor with, and in the confidence of, this tribe. The Agent told the chiefs, that no other tribe of Indians in the United States was so poor as they were; that with a wide waste of lands entirely useless to them, they had not a dollar of annuity, while many of their neighbors received annually twenty to fifty thousand dollars; that, happily for them, he had been sent among

them, just in time to save them from the rapacity of Indian and white sharpers from New York, and that now they could in place of giving away their country to the New Yorkers, sell a small portion of it to the United States, and have heavy annuities for all time to come. It was unnecessary for him to repeat the argument. His plan was as much opposed by the French and traders as that of the New York Indians had been, but without the least effect. The Menomonees were for going to Washington and making a treaty to get annuities. STAMBAUGH applied to Gov. CASS, Superintendent of Indian Affairs, for permission to take ten of the Menomonee chiefs to Washington that fall—got a flat refusal, to which he paid not the least attention, but left Green Bay with fourteen Menomonees on the 8th November, 1830. Arriving at Detroit about the 20th, he was received with evident surprise and reserve by the Superintendent. Prolific in excuses, he soon made it fair weather with Gov. CASS, who sanctioned the proceeding, and added ROBERT A. FORSYTH, his special confidant in all Indian matters, and JOHN T. MASON, late Secretary of Michigan Territory, to the delegation.

MR. WILLIAMS, and DANIEL BREAD, principal chief of the Oneidas, had followed up Col. STAMBAUGH to Detroit, and were by Gov. CASS also added to the party, all of which were now under Col. STAMBAUGH, as Indian Agent from Green Bay, travelling toward Washington at public charge. The 11th of December found the whole party at Washington, and duly recognized by Hon. Mr. EATON, the Secretary of War, and Gen. JACKSON, President of the United States. The occasion was one of intense interest to all parties concerned. JOHN W. QUINNEY, one of the Stockbridge tribe, (HENDRICK having died four years before) was in attendance for the Stockbridges. THOS. L. OGDEN, Esq., of New York, protected the rights of the New York Indians, and incidentally the interests of the Ogden Land Company, who had not yet abandoned the hope of procuring the proper location, and inducing several bands of Senecas to migrate to Green Bay.

The Menomonees were formally presented to the President, and

the chief speaker, GRIZZLY BEAR, or *Kaush-kaw-no-niew**, announced the object of their visit, to clear a friendly path between their lodges and the President's mansion, to cement a lasting and perpetual friendship between his people and those of his Great Father; and finally, to give him a small piece of their land, and to beg an annual remembrance of their Great Father in the shape of an annuity. In all this, not a word was said, or an allusion made, to the New York Indians, although they were present at the presentation. The President replied kindly to the speech, promised them every attention during their stay at the seat of Government, and referred them to Gen. EATON, Secretary of War, and Col. STAMBAUGH, whom he named as commissioners to treat with them, for an answer to their proposition to sell lands. The New York Indians and their friends watched the proceedings with painful, fearful interest. They saw their claims to the Menomonee country were to be put on trial before Gen. EATON and Col. STAMBAUGH as commissioners, one of whom, at least, they knew to be hostile to their dearest rights. They called separately on the Secretary, and made known to him briefly their position, and the ground of their rights. Gen. EATON was really candid, and well disposed to see full justice done them; and they were indebted to him alone for the meagre provision finally made for them in the treaty.

* A Washington correspondent of the *Baltimore Republican*, gives the following interesting anecdote of GRIZZLY BEAR, while on this visit to Washington: "We met Col. STAMBAUGH to-day in the rotunda of the Capitol, and while we were looking at the representations over the door-ways of the rotunda, the veteran Indian Agent told us, that in 1830, with a delegation of Menomonee Indians, he visited the Capitol, and explained the nature and design of the stone groups in the rotunda, when the chief, GRIZZLY BEAR, turned to the eastern door-way, over which there is a representation of the landing of the Pilgrims, and said: '*There Ingin give white man corn;*' and to the north, representing PENN's treaty: '*There Ingin give um land;*' and to the west, where POCAHONTAS is seen saving the life of Captain JOHN SMITH: '*There Ingin give um life;*' and lastly to the south, where the hardy pioneer, DANIEL BOONE, is seen plunging his knife into the breast of one red man, while his foot rests on the dead body of another: '*There white man kill Ingin.*'"

Though the representation relative to BOONE is in fact without foundation, still the old chief's conclusions and sarcasm are expressed with sententious brevity and striking effect.

KAUSH-KAW-NO-NIEW or the *Great Speaker*, was a man of great personal dignity. His name of GRIZZLY BEAR was given him, for convenience sake, by Col. STAMBAUGH. He died about three or four years after the treaty of 1831. L. C. D.

After several delays, and much informal negotiation, in which the claims of the New York Indians were thoroughly discussed, the commissioners and the Menomonees finally met on the 8th of February, 1831, when the treaty, since familiarly known as the *Stambaugh treaty*, was definitely concluded, and signed by the parties. The New York Indians were not parties to the treaty. In order to a proper understanding of the subject, it is necessary to make copious extracts. The treaty sets forth the boundaries as claimed by the Menomonees, taking all the lands east of Fox River, Green Bay and Lake Winnebago, and from Fond du Lac south-easterly to the sources of the Milwaukee River, and down the same to its mouth—this tract was ceded to the United States. They claimed westerly and north-westerly, everything west of Green Bay from the Shoskonabie [Es-co-na-ba] River to the upper forks of the Menomonee, thence to Plover Portage of the Wisconsin, and thence up that river to Soft Maple River; west to Plume River of the Chippewa, thence down the Chippewa thirty miles; thence easterly to the fork of the Monoy or Lemonweir River, and down that river to its mouth; thence to the Wisconsin Portage, thence down the Fox to Lake Winnebago.

The first article of the treaty relates exclusively to the New York Indians, and is in the following words: "The Menomonee tribe of Indians declare themselves the friends and allies of the United States, under whose parental care and protection they desire to continue; and though always protesting that they are under no obligation to recognize any claim of the New York Indians to any portion of their country; that they neither sold, nor received any value, for the land claimed by these tribes; yet, at the solicitation of their Great Father, the President of the United States, and as an evidence of their love and veneration for him, they agree that such part of the land described, being within the following boundaries, as he may direct, may be set apart as a home to the several tribes of the New York Indians, who may remove to, and settle upon the same, within three years from the date of this agreement, viz: Beginning on the west side of Fox River,

near the 'Little Kackalin,' at a point known as the 'Old Mill Dam,' thence north-west forty miles; thence north-east to the Oconto creek, falling into Green Bay; thence down said Oconto creek to Green Bay; thence up and along Green Bay and Fox River to the place of beginning; excluding therefrom all private claims confirmed, and also the following reservation for military purposes: Beginning on the Fox River, at the mouth of the first creek above Fort Howard, thence north sixty-four degrees west to Duck Creek; thence down said Duck Creek to its mouth; thence up and along Green Bay and Fox River to the place of beginning. The Menomonee Indians also reserve, for the use of the U. States, from the country herein designated for the New York Indians, timber and firewood for the United States garrison, and as much land as may be deemed necessary for public highways to be located by the direction and at the discretion of the President of the United States. The country hereby ceded to the United States, for the benefit of the New York Indians, contains by estimation, about five hundred thousand acres, and includes all their improvements on the west side of Fox River. As it is intended for a home for the several tribes of New York Indians, who may be residing upon the lands at the expiration of three years from this date, and for none others, the President is empowered to apportion the lands among the actual occupants at that time, so as not to assign to any tribe a greater number of acres than may be equal to one hundred for each soul actually settled upon the lands; and if at the time of such apportionment, any lands shall remain unoccupied by any tribe of the New York Indians, such portion as would have belonged to said Indians, had it been occupied, shall revert to the United States. That portion, if any, so reverting, to be laid off by the President of the United States. It is distinctly understood, that the lands hereby ceded to the United States for the New York Indians, are to be held by those tribes, under such tenure as the Menomonee Indians now hold their lands, subject to such regulations and alteration of tenure, as Congress and the

President of the United States shall, from time to time, think proper to adopt."

After making provision for an extensive farming and educational establishment for their own benefit, (which, by-the-bye, proved abortive, the traders and Roman Catholics persuading the Indians to reject all its proposed benefits,) they return to the New York Indians again, in the sixth article, as follows: "The Menomonee chiefs request that such part of it as relates to the New York Indians, be immediately submitted to the representatives of their tribes. And if they refuse to accept the provision made for their benefit, and to remove upon the lands set apart for them, on the west side of Fox River, that he [the President] will direct their immediate removal from the Menomonee country; but if they agree to accept the liberal offer made to them by the parties to this compact, then the Menomonee tribe, as dutiful children of their Great Father, the President, will take them by the hand as brothers, and settle down with them in peace and friendship."

Thus were the long cherished schemes of one of the principal actors, ELEAZER WILLIAMS, finally crushed forever. Those of the Ogden Land Company were also nearly forlorn. The tract of land set off for the New York Indians, was quite too limited, and by no means inviting for agricultural purposes. But the greatest objection of all was, the limitation of time to three years as the extent to which the tract would be open for occupancy. No reasonable hope could be entertained of getting the consent of the Senecas, and other Western bands, to whose reservations the Ogden Land Company's right of pre-emption attached, to remove in so short a time. The treaty was therefore regarded as nearly a final bar to the whole enterprise, and given up in despair.

The New York delegates, however, kept up courage, and continued their remonstrances against the injustice and cruelty of the stipulation. They had the sympathy of the New York Senators and politicians generally. Col. STAMBAUGH soon found that he had over-shot the mark, and that the treaty would likely be rejected by the Senate, and further that his appointment as

Indian Agent at Green Bay, not yet confirmed, would be rejected. Acting under these apprehensions, he undertook a cure of the evil—a correction of his blunders. Accordingly, the Menomonees having been previously instructed, they were again brought before the commissioners, on the 17th of February, and the following supplementary agreed to, to wit:

“Whereas, certain articles of agreement were entered into and concluded at the city of Washington, on the 8th day of February, instant, between the undersigned, commissioners on behalf of the United States, and the chiefs and warriors representing the Menomonee tribe of Indians, whereby a portion of the Menomonee country, on the north-west side of Fox River and Green Bay, was ceded to the United States, for the benefit of the New York Indians, upon certain conditions and restrictions therein expressed: And whereas, it has been represented to the parties to that agreement, who are parties hereto, that it would be more desirable and satisfactory to some of those interested that one or two immaterial changes be made in the *first* and *sixth* articles, so as not to limit the number of acres to one hundred to each soul who may be settled upon the land when the President apportions it, as also to make unlimited the time of removal and settlement upon these lands by the New York Indians, but to leave both these matters discretionary with the President of the United States. Now, therefore, as a proof of the sincerity of the professions made by the Menomonee Indians, when they declared themselves anxious to terminate, in an amicable manner, their disputes with the New York Indians, and also as a further proof of their love and veneration for their Great Father, the President of the United States, the undersigned representatives of the Menomonee tribe of Indians, unite and agree with the commissioners aforesaid, in making and acknowledging the following supplementary articles a part of their aforesaid agreement.

“*First.* It is agreed between the undersigned, commissioners on behalf of the United States, and the chiefs and warriors representing the Menomonee tribe of Indians, that, for the reasons

above expressed, such parts of the first article of the agreement, entered into between the parties hereto, on the eighth instant, as limits the removal and settlement of the New York Indians upon the lands therein provided for their future homes, to three years, shall be altered and amended, so as to read as follows: That the President of the United States shall prescribe the time for the removal and settlement of the New York Indians upon the lands thus provided for them; and, at the expiration of such reasonable time, he shall apportion the land among the actual settlers in such manner as he shall deem equitable and just. And if within such reasonable time, as the President of the United States shall prescribe for that purpose, the New York Indians shall refuse to accept the provisions made for their benefit, or having agreed, shall neglect or refuse to remove from New York, and settle on the said lands, within the time prescribed for that purpose, that then, and in either of these events, the lands aforesaid shall be and remain the property of the United States, according to said *first* article, excepting so much thereof as the President shall deem justly due to such of the New York Indians as shall actually have removed to, and settled on, the said lands.

“*Second.* It is further agreed, that the part of the sixth article of the agreement aforesaid, which requires the removal of those of the New York Indians, who may not be settled on the lands at the end of three years, shall be so amended as to leave such removal discretionary with the President of the United States. The Menomonee Indians having full confidence, that in making this distinction, he will take into consideration the welfare and prosperity of their nation.”

This relieved the treaty of two of its odious features in the view of the New York Indians. Still the country set off was objectionable both in *quality* and *quantity*, and they avowed their intention of opposing the ratification of the treaty. As was anticipated, the Senate refused to take up either the treaty, or the nomination of STAMBAUGH as Indian Agent at Green Bay, at that session of Congress. An expedient was resorted to by Col.

STAMBAUGH and the Secretary of War to save the treaty, which was to add a stipulation to it, whereby its conditions were to stand good till the next session of the Senate. This was done on the 15th of March. There was, of course, now a vacancy in the Indian agency at Green Bay. The President appointed STAMBAUGH special Agent to return to Green Bay with the Menomonees, and close up the accounts of the expenses of the expedition. The treaty was taken up at the next session of Congress.

The proviso added to it by the Senate, shows the influence the New York Indians had with that body. It is in the following words, to wit:—“*Provided*, That for the purpose of establishing the rights of the New York Indians on a permanent and just footing, the said treaty shall be ratified with the express understanding, that two townships of land on the east side of Winnebago Lake, equal to forty-six thousand and eighty acres, shall be laid off, (to commence at some point to be agreed on,) for the use of the Stockbridge and Munsee tribes; and that the improvements made on the lands now in the possession of the said tribes on the east side of the Fox River, which said lands are to be relinquished, shall, after being valued by a commissioner to be appointed by the President of the United States, be paid for by the Government: *provided*, however, that the valuation of such improvements shall not exceed the sum of twenty-five thousand dollars: and that there shall be one township of land adjoining the foregoing, equal to twenty-three thousand and forty acres, laid off and granted for the use of the Brothertown Indians; who are to be paid by the Government the sum of one thousand and six hundred dollars for the improvements on the lands now in their possession, on the east side of Fox River, and which lands are to be relinquished by said Indians. Also, that a new line shall be run parallel to the south-western boundary line, or course of the tract of five hundred thousand acres described in the first article of this treaty, and set apart for the New York Indians, to commence at a point on the west side of Fox River, and one mile above the Grand Chute on Fox River, and at a sufficient distance

from the said boundary line as established by the said first article, as shall comprehend the additional quantity of two hundred thousand acres of land, on and along the west side of Fox River, without including any of the confirmed private land claims on the Fox River, and which two hundred thousand acres shall be a part of the five hundred thousand acres intended to be set apart for the Six Nations of the New York Indians and the St. Regis tribe; and that an equal quantity to that which is added on the south-western side, shall be taken off from the north-eastern side of said tract, described in that article, on the Oconto creek, to be determined by a commissioner to be appointed by the President of the United States; so that the whole number of acres to be granted to the Six Nations and St. Regis tribe of Indians, shall not exceed the quantity originally stipulated by the treaty."

This proviso of the Senate was fully satisfactory to the Stockbridges, Munsees and Brothertowns, and silenced all objections from them; that for the Six Nations and St. Regis tribes, although satisfactory, fell so far short of the policy of WILLIAMS, and the Ogden Land Company, that they abandoned the whole concern, and from that day, gave up all hope or attempt at a general colonization of the Six Nations at or in the neighborhood of Green Bay.

When the treaty came to be promulged, in July of 1832, with the proviso of the Senate thereto, a new difficulty arose with the Menomonees, who declared their intention never to permit a New York Indian to occupy a foot of land south of the Little Kakalin line, proposed by themselves in the treaty. It then became necessary to get *their assent* to the Senate amendment, or to make a new arrangement before peace could be had between the parties. For this purpose, Hon. GEORGE B. PORTER, Governor of Michigan, was appointed commissioner, in the fall of 1832, to repair to Green Bay, and essay a final settlement of the difficulties. Gov. PORTER was a man of indomitable energy and perseverance, of consummate tact and penetration, and brought to his task a firm determination not to leave the ground till the object was accomplished. Both parties soon found, that they had got past the

use of all dissimulation, braggadocia or humbug. A very brief discussion by Gov. PORTER brought all parties to an amicable understanding, and a final settlement of affairs. This arrangement, concluded by Gov. PORTER, Oct. 27th, 1832, is so important to this history, that the following extracts are herewith copied :

“*First.* The said chiefs and headmen of the Menomonee nation of Indians, do not object to any of the matters contained in the proviso annexed to the resolution of the Senate of the United States, so far as the same relate to the granting of three townships of land on the east side of Lake Winnebago to the Stockbridge, Munsee, and Brothertown tribes; to the valuation and payment for their improvements, &c., (ending with the words ‘*and which lands are to be relinquished by said Indians.*’) They therefore assent to the same.

“*Second.* The said chiefs and head men of the Menomonee nation of Indians, objecting to all the matters contained in the said proviso annexed to the resolution of the Senate of the United States, so far as the same relate to the running a new line parallel to the south-western boundary line or course of the tract of five hundred thousand acres, described in the first article of the treaty, and set apart for the New York Indians, to commence at a point on the south-western side of Fox River, and one mile above Grand Chute, on Fox River, and at a sufficient distance from the said boundary line, as established by the said first article, as shall comprehend the additional quantity of two hundred thousand acres of land, on and along the west side of Fox River, without including any of the confirmed private land claims on the Fox River, to compose a part of the five hundred thousand acres intended to be set apart for the Six Nations of the New York Indians and St. Regis tribe, *agree*, in lieu of this proposition, to set off a like quantity of two hundred thousand acres, as follows: The said Menomonee nation hereby agree to cede, for the benefit of the New York Indians, along the south-western boundary line of the present five hundred thousand acres described in the first article of the treaty as set apart for the New

York Indians, a tract of land bounded as follows : Beginning on the said treaty line, at the old mill-dam on Fox River, and thence extending up along Fox River to the little Rapid Croche ; from thence running a north-west course three miles ; thence on a line running parallel with the several courses of Fox River, and three miles distant from the river, until it will intersect a line running on a north-west course, commencing at a point one mile above the Grand Chute ; thence on a line running north-west, so far as will be necessary to include, between the said last line and the line described as the south-western boundary line of the five hundred thousand acres in the treaty aforesaid, the quantity of two hundred thousand acres ; and thence running north-east until it will intersect the line forming the south-western boundary line aforesaid ; and from thence along the said line to the old mill-dam, or place of beginning, containing two hundred thousand acres. Excepting and reserving therefrom the *privilege* of CHAS. A. GRIGNON for erecting a mill on Apple creek, etc., as approved by the Department of War, on the twenty-second day of April, one thousand eight hundred and thirty-one, and all confirmed private land claims on the Fox River. The lines of said tract of land so granted, to be run, marked, and laid off without delay, by a commissioner to be appointed by the President of the United States. And that in exchange for the above, a quantity of land equal to that which is added to the south-western side, shall be taken off from the north-eastern side of the said tract, described in that article, on the Oconto creek, to be run, marked, and determined by the commissioner to be appointed by the President of the United States, as aforesaid, so that the whole number of acres to be granted to the Six Nations and St. Regis tribe of Indians, shall not exceed the quantity of five hundred thousand acres."

Of which terms and conditions, the several tribes of the New York Indians signified their acceptance and approval, in an article of agreement entered into with Gov. PORTER, and signed by their headmen, on the 27th day of October, 1832, in the follow-

ing words: "So far as the tribes to which we belong are concerned, we are perfectly satisfied, that the treaty should be ratified on the terms proposed by the Menomonees. We further believe, that the tract of land which the Menomonees in the within agreement are willing to cede, in exchange for an equal quantity on the north-east side of the tract of five hundred thousand acres, contains a sufficient quantity of good land, favorably and advantageously situated, to answer all the wants of the New York Indians and St. Regis tribe. For the purpose, then, of putting an end to strife, and that we may all sit down in peace and harmony, we thus signify our acceptance of the modifications proposed by the Menomonees; and we most respectfully request, that the treaty, as now modified by the agreement this day entered into with the Menomonees, may be ratified and approved by the President and Senate of the United States."

This was a substantial settlement of the whole question, and gave perfect satisfaction to all the New York Indians who had moved on, or were even expected to move on to Green Bay. The whole of the Stockbridges, Brothertowns, a part of the Månsees and some eleven hundred of the Oneidas, moved soon after on to their respective locations. The Stockbridges immediately abandoned their location at the Grand Kakalin, and occupied the new grounds assigned them east of Lake Winnebago; and the Brothertowns did the same. The Oneidas continued by accessions of small parties annually to augment the settlement at Duck Creek.

There was one interest, that of the Land Company, that was not appeased. As matters now stood, there was virtually no suitable home for such of the western tribes in New York as occupied the reservations to which this Company held the pre-emption right of purchase, and no prospect of their selling and removing West. With the vast amount at stake, the large sums of money locked up in these prospective rights, it was not to be expected that the Company would rest, or cease their exertions to purchase out and remove these Indians. A thousand plans were proposed and rejected, till at length an attempt was made to induce them to re-

move to the Indian Territory, south-west of the Missouri. The agency of the General Government was obtained, and a commissioner, RANSON H. GILLET, appointed on the part of the United States, to treat with the "chiefs, head-men and warriors of the several tribes of the New York Indians."

The treaty purports to have been made at Buffalo Creek, on the 15th of January, 1838. The United States are styled one of the parties, though in fact they had but a small share in the transaction. The ostensible object would seem to have been, the providing the several bands of the Senecas with a *home*! To a careful observer, the result sets forth quite a different purpose. But not to anticipate. The first article, after the preamble, contains a relinquishment or cession by the New York Indians of "all their right, title and interest to the lands secured to them at Green Bay by the Menomonee treaty of 1831." This cession purports to be made by the New York Indians, as if for those who had acquired the lands. But not one of the individuals subscribing this treaty, except ELEAZER WILLIAMS as for the St. Regis, ever had any lot or part whatever in bringing about the Green Bay treaties. They were, one and all, of those who had always opposed and repudiated those treaties, and the acquisitions under them. The parties really interested in those treaties were all at Green Bay, and had no cognizance of this Buffalo Creek treaty.

However, as if sensible of this fact, and for a show of justice to the few Oneidas, and others there, this cession contains what purports to be a reservation, doubtless as if for their benefit; the reserving clause is, however, unintelligible, and in fact reserves nothing—vide U. S. Indian Treaties, p. 551. So then the New York Indians living on their reservations in that State, in 1838, affect to sell out their lands in Wisconsin! Then the United States for such a cession, are made on their part to stipulate, to provide all the New York Indians homes south-west of Missouri, to include one million eight hundred and twenty-four thousand acres of the best land in the West; and to pay them the sum of 411,000 dollars in cash, besides for sundry improvements some 50,000 dollars more!

The only consideration to the United States, for this immense stipulation in favor of the New Yorkers, is a cession of their pretended rights (which were void and valueless) to about 100,000 acres at Green Bay, worth at that day about ten cents per acre, say ten thousand dollars. It is clear, that this immense sum was not to be paid to the Senecas, Tuscaroras, Tonnewandas, and Onondagas, for their rights at Green Bay, the only consideration made in the deed of cession.

It is natural to inquire after the real consideration that these tribes were to offer for these 1,824,000 acres of choice land in Missouri, and the \$411,000 in cash. It is proposed in this treaty to furnish them *homes* in the West. Had they no homes in New York? A little further on in the treaty, we find they had 117,469 acres of the best land in New York, probably under-estimated by the commission one quarter; call it, at least, 150,000 acres, worth ten dollars an acre at that day, making the snug little sum of one million four hundred thousand dollars for the reservations. Where did this go to? The reservations were all ceded by this hocus pocus legerdemain proceeding, called a treaty between the United States and the Seneca Indians, to MESSRS. OGDEN and FELLOWS, for the ostensible sum of two hundred and two thousand dollars. This treaty after all had but slight bearing on affairs at Green Bay; it left the bona fide settler from the New York tribes, in full possession of their lands, which, but for their own counsels, they they might have had to this day.*

It is necessary to allude to but one other transaction touching the New York Indian settlement at Green Bay. In February of the same year, 1838, under the advice of Rev. SOLOMON DAVIS, their missionary, the Oneidas resolved on having some money, and for that purpose negotiated with the United States. They were the sole representatives of the large cession of the treaty of

* It may be added, that this treaty of the Ogden Company with the Senecas, which was obtained by fraud and bribery, was so materially amended by the United States Senate, as to make it almost a new one, and still it was not satisfactory to a majority of the Senecas, who yet remain in the occupancy of their ancient and much loved domain.

1831, by the Menomonees, on the west side of the Fox River. This Mr. DAVIS, with four of the Oneida chiefs, repaired to Washington, and there with CAREY A. HARRIS, Esq., as commissioner appointed by the President on the part of the United States, signed a treaty of which the following is a copy :

“*Art. 1.* The First Christian and Orchard parties of Indians, cede to the United States all their title and interest in the land set apart for them in the first article of the treaty with the Menomonees, of February 8th, 1831, and the second article of the treaty with the same tribe, October 27th, 1832.

“*Art. 2.* From the foregoing cession there shall be reserved to the said Indians, to be held as other Indian lands are held, a tract of land containing one hundred acres, for each individual, and the lines shall be so run as to include all their settlements and improvements in the vicinity of Green Bay.

“*Art. 3.* In consideration of the cession contained in the first article of this treaty, the United States agree to pay to the Orchard party of the Oneida Indians three thousand dollars, and to the First Christian party of Oneida Indians thirty thousand and five hundred dollars, of which last sum three thousand dollars may be expended, under the supervision of the Rev. SOLOMON DAVIS, in the erection of a church and parsonage house, and the residue apportioned, under the direction of the President, among the persons having just claims thereto ; it being understood that said aggregate sum of thirty three thousand and five hundred dollars is designed to be in reimbursement of monies expended by said Indians, and in remuneration of the services of their chiefs and agents, in purchasing and securing a title to the land ceded in the 1st article. The United States further agree, to cause the tracts reserved in the 2nd article, to be surveyed as soon as practicable.

“*Art. 4.* In consideration of the sum of five hundred dollars, to be paid to him by the chiefs and representatives of the said parties of Oneida Indians, JOHN DENNY, (alias JOHN SUNDOWN,)

their interpreter, agrees to relinquish to them all his title and interest in the tract reserved in the 2nd article of this treaty.

“*Art. 5.* It is understood and agreed, that the expenses of this treaty, and of the chiefs and representatives signing it, in coming to and returning from this city, and while here, shall be paid by the United States.

“*Art. 6.* This treaty to be binding upon the contracting parties when the same shall be ratified by the United States.”

It was ratified by the Senate, and promulged on the 17th May, 1838. By it the possessions of the Six Nations were reduced to the present reservation of the Oneidas on Duck Creek, near Green Bay, being about eight by twelve miles, and containing some sixty one thousand acres. Some twelve hundred of these people now live there, and are slowly progressing in civilization. Several attempts have been made to curtail this reservation without success. Until some hungry white man shall gain their confidence sufficiently to make them abandon their own prudence, and go to Washington, they will probably remain there, and in the end possibly become sufficiently enlightened to assume citizenship, and be lost in the general mass of our American people.

The Brothertowns have entirely laid aside the aboriginal character, been admitted to all the rights of citizenship, and remain quietly and prosperously pursuing the avocations of civilized men. The Stockbridges are not as fortunate. A premature attempt to imitate their neighbors, in 1834, resulted in a failure, and a division of the tribe, which has never been healed. Their affairs are in an unsettled state, and the Government has now pending a negotiation for a final adjustment of the difficulties between the citizen and Indian parties.

Written, as this article has been, in a remote part of the State, out of the reach of libraries, without a scrap of the records of the transactions, and only from recollection of events transpiring more than thirty years ago, this paper is unworthy the character of history; but the main facts narrated being true, it may serve

to point the future historian to the sources from which to draw the material for a more accurate and faithful account of the whole matter.

Stevens' Point, Jan. 5th, 1856.

APPENDIX No. 14.

A SKETCH OF THE EARLY HISTORY OF KENOSHA COUNTY WISCONSIN, AND OF THE WESTERN EMIGRATION COMPANY,

BY REV. JASON LOTHROP.

A full and complete history of Kenosha county is not pretended in this short account. Other statements have been made, particularly that of Hon. M. FRANK in his "*Sketch of the Early History and Subsequent Settlement of Southport*," which gives as correct and general a view of the first settlement as could be expected from one not on the ground at the time; for the author of that publication was not here till two of the most trying years had past. He evidently, however, took great pains to give a correct view of the whole series of events transpiring in the settlement of the place.

In the following narrative, it will be seen, that I was, from the first, acquainted with the formation and movements of the "*Emigration Company*" till its dissolution. Its connection with the interests of many others beside the stock-holders, created a large interest in its affairs in all this part of the new Territory. A very small portion of the facts known to me are here given concerning that Company, as they cannot interest the public so many years after the extinction of all its titles.

As the first settlements of any importance in Kenosha county were made by a company from Oswego county, N. Y., it will be most proper to give something of the history of "*The Western Emigration Company*."

Early in the winter of 1834, a few persons indulging in a wish to emigrate to the West, made known to each other their determination. Among these, and probably the first of them, were JOHN BULLEN, Jr., CHARLES W. TURNER, WATERS TOWSLEY, JAMES SCOTT, Dr. B. B. CARY, JASON LOTHROP, HUDSON BACON, PETER WOODIN, ALFRED FOSTER, ORLANDO FOSTER, WILLIAM BULLEN, GEORGE BENNETT, and SIDNEY ROBERTS. After some occasional conversation upon this design, J. BULLEN, Jr., invited the above named persons to a supper at his house in Hannibal, and to spend the evening. Emigration to the West was the principal topic of their conversation. The first object was to ascertain who would go; and the proposal was made to form a company, in order to render the removal as cheap and pleasant as possible, and that the company so formed, might locate at some important point, and there make a town, and form a community of the right sort. Those persons present all appeared willing to share in such an enterprise. Such were the designs expressed on the occasion; and a committee was appointed to draft a Constitution for the company, and a meeting was proposed to be held at the Hall, once the Masonic Hall, for the transaction of further business. Notice of this meeting was widely extended by J. BULLEN, Jr., who was then post-master at Hannibal.

The first meeting in the Hall, a pretty large number attended. The Constitution was presented by the committee consisting of C. W. TURNER, W. TOWSLEY, A. CARY and J. LOTHROP. At the suggestion of J. BULLEN, Jr., an article was inserted, as from his father, then in Albany, on temperance, which was rejected in the amended Constitution of Jan. 1st, 1836, which is here given.

Constitution of the WESTERN EMIGRATION COMPANY as amended and revised Jan. 1, 1836:

Art. 1.—For the purpose of aiding those disposed to emigrate to the Western States or Territories, in the purchase of land and the pursuit of agriculture, manufactures, mechanics and other branches of industry, and the formation of a desirable community, we, the subscribers, do by the ratification and signature of this

Constitution, agree to and hereby do associate ourselves into a joint stock company, to be called the "*Western Emigration Company*;" and we do severally promise and agree to and with each other, jointly and severally, to abide by and keep all and each of the stipulations herein contained—this instrument being intended for all the purposes of legal or equitable liability, as a contract between the parties thereto.

Art. 2.—The capital stock of the Company shall be eight thousand dollars, to be divided into shares of ten dollars each, to be paid to such person as shall be authorized by the Company to receive the same; on the payment whereof, scrip shall be issued, signed by the chairman and secretary, certifying the amount of stock to which the holder thereof shall be entitled.

Art. 3.—The capital stock, when paid in, shall be invested in the purchase of lands, improvements thereon, and claims thereto, in any of the Western States or Territories, and in such other manner as the Company shall, in pursuance of their general object, in regular meeting direct.

Art. 4.—The officers of the Company shall be a Chairman, Secretary, Assistant Secretary, a Board of Directors to consist of nine persons, a General Agent, a Treasurer, and a Committee of Finance.

Art. 5.—The Chairman shall preside at all meetings of the stock-holders, sign scrip, and do such other duties as the Company, in regular meeting, shall from time to time direct.

Art. 6.—The Secretary shall keep all records of the Company, record the proceedings of all meetings of the stock-holders, sign scrip, and preserve all papers of the Company deposited with him.

Art. 7.—The Assistant Secretary shall keep a copy of all records kept by the Secretary, and, in his absence, perform his duty.

Art. 8.—It shall be the duty of the Treasurer to keep all money and securities, and disburse the funds of the Company upon proper vouchers; he shall, before receiving any such money, give

security to be approved by the Board of Directors, for the faithful application of, and accounting for, all such moneys as shall come to his hands in the capacity of such Treasurer ; and once in each year, and within ten days before the expiration of his term of office, he shall make a full report of his receipts and disbursements, accompanied by an account current, to the Board of Directors.

Art. 9.—The Board of Directors shall have the general supervision, management and control of all the Company's business, property and interests, subject to such regulations as the Company, in regular meeting, may from time to time establish by by-laws or otherwise ; they shall have power to appoint officers, and fill vacancies in their own body, *ad interim*, which appointments shall continue valid till the next regular meeting of the Company, and no longer ; they shall, at the annual meeting, at the expiration of their term of office, or the first thereafter, make a full report of all their doings, and of the state of the Company's business, accompanied by all reports from other officers made to them ; and they shall elect one of their number as President of said Board.

Art. 10.—The General Agent shall have the immediate general superintendence of all the Company's affairs, and shall be subject to the control of the Board of Directors ; he shall once in each year, and within ten days before the time at which the Board are required to report, make a full report to said Board of all his doings, and of the state of the Company's property and business, so far as they have come within his supervision or knowledge, specifying all purchases and other contracts for expenditures made by him ; and he shall at any time, when required by the Company, on reasonable notice, make a similar report directly to them at their meeting.

Art. 11.—The Financial Committee shall consist of three persons, who, or any two of them, shall examine and audit all accounts of officers, or others with the Company, and no account shall be paid or allowed till it has been so examined and audited.

Art. 12.—All officers shall be stock-holders in the Company ; they shall be elected by ballot at the annual meetings, and shall hold their offices for one year, and until others shall be elected to fill their places.

Art. 13.—Each stock-holder shall be entitled, in all meetings, to one vote for each share of stock held by him, whether as an original subscriber or an assignee thereof: *Provided*, however, That no one individual shall in his own right be entitled to more than ten votes.

Art. 14.—Assignees of stock shall not become vested with any of the rights of stock-holders, till they shall have subscribed the Constitution, or procured their signatures to be affixed thereto by some authorized person.

Art. 15.—All lands, or claims thereto, purchased by any stock-holder in the vicinity of lands held by and for the Company, shall be deemed to belong to such stock-holder and the Company jointly, and held by such purchaser as trustee of the Company, as to their share thereof; and the Company shall have the control and disposal of such lands, in the same manner as of other lands or claims; but they shall, when the same shall be sold, allow the said stock-holder one-half the profits, together with the original purchase price paid by him.

Art. 16.—The moneys arising from the sale of any lands, shall be distributed to stock-holders according to the amount of their stock, the Board of Directors to make such distributions, and the Treasurer to pay the same, on the order of the President of said Board.

Art. 17.—Whenever a stock-holder shall erect buildings, or make other improvements on any of the Company's land, or lands held in trust for them, except mill sites, and the said lands shall afterwards be sold to any other person, such stock-holder shall be paid the actual value of such improvement, and shall be allowed to retain possession thereof six months after such sale, and until such payment be made.

Art. 18.—Any stock-holder may authorize another to act and vote for him in any meeting of the Company.

Art. 19.—There shall be an annual meeting of the stockholders held on the first Thursday in June in each year, at Pike River, at which all officers shall be elected, and such other business done as the Company may think necessary. The extraordinary meetings of the Company shall hereafter be called by the Board of Directors, who shall publish a notice thereof for four weeks in a newspaper printed in Oswego, and the New York State paper, of the time and place of holding such meeting.

Art. 20.—This Constitution may be amended by two-thirds of the votes given at any regular meeting.

Art. 21.—All former Constitutions of this Company are hereby repealed, but all rights acquired, and liabilities incurred, under the old Constitution, are intended to be reserved and retained.

Art. 22.—No money shall be paid out by the Treasurer, except on the order of the President of the Board of Directors, which order shall state for what object the money is to be paid.

Art. 23.—The Company may, at any regular meeting, remove any of their officers, and elect others to fill their vacancies.

Art. 24.—In the absence of the Chairman and Secretary, and Assistant Secretary, from any regular meeting, such officers may be appointed *pro tem*.

Elder WOODIN was chosen the first Chairman, and JOHN BULLEN, Jr., the first Secretary. Four hundred certificates of scrip were issued at \$10 each, and signed by the officers. They read thus:

“No. —. This certifies that JASON LOTHROP, or his assigns, is entitled to one share of the stock of the

‘*Western Emigrating Company*,’ after signing the Constitution of said Company, and in all respects complying with its provisions, and not otherwise.

Dated Hannibal, N. Y., }
March 9th, 1835. }

By order of said Company,
PETER WOODIN, Chairman.”

JOHN BULLEN, Jr., Secretary.

This scrip was in good demand, and nearly the whole of the four hundred shares were taken. Even poor persons, who either expected to remove West, or hoped to share in large prospective gains, paid their money and took shares.

Money being raised to commence operations, WATERS TOWSLEY, C. W. TURNER, and SIDNEY ROBERTS, being appointed *explorers*, left on the 25th of March, 1835, for the West. They proceeded first to Milwaukee, according to previous understanding. Each of them then took a portion of the money raised, and were to be allowed one dollar per day, and their fare paid, provided that their expenses and services did not exceed \$100 each. Instructions were given them by the Company, as drawn up by WILLIAM BULLEN. Bonds were required of each of them for the money received. Elder WOODIN was constituted the other party in behalf of the Company, who, in all such transactions, was to represent it.

At the time of the appointment of the explorers, it was agreed that JOHN BULLEN, Jr., who could not then leave home, should go in the course of a few months, if money could be raised. He was to take the place of the four already mentioned, or serve in addition to them. After ascertaining that the four were soon to return, he was appointed and commissioned plenipotentiary from the Company to carry into effect what the first agents had commenced, and to take sole charge of the money raised from the four hundred more shares. It was thought that little more remained for him to do than to pay over the money on the contract supposed to have been made for an interest at Root River, now Racine.

The explorers, on coming West, made their first attempt to secure a location at Milwaukee, but finding SOLOMON JUNEAU, GEORGE H. WALKER, and others, on the ground, with whom they could make no compromise, they went south to Root River, where they also found claimants. To Capt. GILBERT KNAPP, WM. LUCE and Mr. HUBBARD, they made proposals, and supposed they were accepted. But, for some reason, they were rejected amidst unkind feelings. The fault alleged to them, was duplicity on the part of

the agents. TURNER was not inclined to return east with the other explorers, but tarried till the arrival of J. BULLEN, Jr., and went still farther south in search of a location either for himself or the Company. He and BULLEN fixed on the mouth of Pike River for a habitation. Differences arising between them, they did not long act in concert, but in opposition to each other. As early as the first of August, 1835, TURNER made his claim, and put up his house near the mouth of the river, where he resided till his death. His claim of 160 acres was allowed him by the Judicial Committee, and he had it surveyed into blocks and lots, and made sale of some of them. BULLEN made a claim south of him, near the present brick-yard, and there made his first residence. But when the Government surveys were made, these two claims were supposed to be on the same quarter section.

From what I could learn on my arrival, BULLEN had hired the WOODBRIDGES to build him a log house on the claim since held by S. HALE, then supposed to be one with the KIMBALL claim; and that after this was built, they put up another about twenty rods west of it, since occupied as a shoe-shop, and sometimes as a dwelling house by E. WOODBRIDGE. BULLEN had put Mr. A. KELLOGG into the first named house before it had a door, floor, or window—a mere pen. After that, I finished and lived in it till January following. In consequence of this house being occupied, the WOODBRIDGES pretended to occupy their small shanty. On this a dispute arose between them and BULLEN, who, on raising the first frame, was opposed by E. WOODBRIDGE with his axe. The committee on claims were called upon to settle the dispute, but no decision was obtained from them. For a long time, the parties attempted a settlement, and finally the WOODBRIDGES relinquished all their claims to BULLEN—viz.: the KIMBALL claim, and those soon after occupied by W. BULLEN, J. LOTHROP, A. FOSTER, and eighty acres by S. DOOLITTLE, together with a quit claim of the other eighty, if JEROME would consent to relinquish it, which it appears he did not. For all, the BULLENS' paid, I think, about \$400.

Hitherto no meeting of the Company had been held in this Territory, nor any business done in their name in Southport, except by their agent, J. BULLEN, jr. Not long after this, however, Directors were appointed at Hannibal, N. Y., and some in this place, to transact business with the agent for the Company.

The first Constitution required of each member of the Company, that he should remove West to their location within a given time—by June, 1836; so that all calculated upon the Company, and the aid of all its members, whenever the home should be found. This encouraged some to remove, who would not otherwise have gone West, especially at so early a period. But on the change of the Constitution, those who had emigrated found too late that they were to bear all the burdens and expense of making and sustaining the location and the contiguous claims, while those behind were to share in the profits. This fact they saw early in the winter of 1836, and the newly appointed Directors in what afterwards became Wisconsin, resolved that to equalize the burdens, each one holding a contiguous claim be allowed \$12 per month; but in the ensuing spring, finding no funds in the hands of the Company to meet the great expense of living here, it was again resolved, that all the contiguous claims should be surrendered to the holders of the same.

The Location.—On the 25th of August, 1835, Mr. RUSSELL ALLEN, who was to start on his return to New York the next day, came out on the prairie where some of us were busily engaged, and stated that he was about to return, but that he did not like to carry back the report that the Company had yet made no location; that he understood that C. W. TURNER had proposed to put in his claim at the mouth of Pike River, on condition that JOHN BULLEN, jr., would put in one, with certain others, and make a location suitable to invite the emigrators from the East, and worthy of the Company. We all went down to BULLEN's, when J. BULLEN, R. ALLEN and I went over to WILSON's and BACON's, and after considerable conversation together, and privately, Mr. ALLEN delayed his journey, and a meeting of the friends of the

Company was called at Mr. WILSON's, and there the following persons surrendered their claims as common stock for the Company: O. JEROME, J. BULLEN, jr., J. G. WILSON, H. BACON, C. W. TURNER and RUSSELL ALLEN. But in the process of this business, it was named, that any member of the Company could cast as many votes as he might hold shares of stock. Upon learning this fact, Mr. TURNER refused to surrender his claim, or to do anything about it. It was engaged by the Agent, that the offensive article in the Constitution should be so amended, as again to limit the vote to ten, even should stock-holders own more than ten shares. Mr. TURNER still objected; but all the others, however, were disposed to abide by these proposals, some, if not all of them, reserving an acre or two for their own use, to be selected where they might choose. I wrote a letter to be conveyed by Mr. ALLEN to Hannibal, the purport of which was, that these persons had surrendered their locations for a home for the Company, thereby sacrificing what they had for the benefit and welfare of that body; leaving it with them to make such compensation as they might deem proper, when they should see what these claimants had endured to secure so good a location.

It was not, till many months after this, generally known that any security was given to any persons for the relinquishment of their claims to the Company. When the Directors were transacting different matters of business, they learned that BACON and WILSON had notes against the Company to the amount of \$1,500 and \$2,000, from ALLEN and BULLEN; and since then, that DEWITT BULLEN had also a note from them for \$1,500, for the KIMBALL claim. All this appeared to have been kept a secret as long as possible, for the purpose of deceiving C. W. TURNER into a relinquishment of his claim; but when the Directors were consulting on the amount to be allowed to them for holding the same, it was ascertained that they even had a greater amount secured to them than some of the Directors were disposed to allow. On account of this, and other deceptions practised by the Agent about this time, Mr. TURNER's refusal to surrender his claim was fully justifi-

fied, especially by the Judicial Committee of the claimants in Racine county in their opinion on that trial.

The Result.—It has often been asked, what became of the money raised by the Emigration Company, by the sale of their scrip? It is difficult to tell. Perhaps some of the Agents, were they disposed, could cast some light upon the subject. We will make the best apology we can, in all charity. There was an early prejudice in all the surrounding country against the Emigration Co., not only because of the offence taken at Racine, but because there was a suspicion of monopoly which operated against all the doings of the Company. But the principal difficulty was early seen, that no company or corporation could obtain pre-emption on their lands. This cut off the expectations of the stock-holders, unless their claims to a portion of the location were given up. Attempts were made to obtain a special pre-emption on two sections of land, which included the Company's claim, to be divided into lots, and sold at a fixed price for the purpose of building a harbor. The bill failed in the House of Representatives. Some portion of the location had been surveyed by the occupants; the Company could not, therefore, obtain the pre-emption. But there had been residents on the same, who had neither surveyed nor sold any part of the quarter section on which they had lived; therefore DAVID CROSSIT obtained the pre-emption on the KIMBALL claim, and WILLIAM BULLEN on the BACON claim. Those who had bought lots of the original proprietors, were secured in their purchase. As the matter stood, nothing was done to call the Directors to account, and the Agents not being called on, retained what they had and could safely hold. WILLIAM BULLEN had some funds to be divided among the stock-holders, not amounting, however, to more than about thirty-three per cent—a part of which he paid from his store. Thus ended the Emigration Company, which had its origin in good faith, but being conducted by bad policy, ended in the benefit of a few, and disappointment of many.

Claims and Claim Trials.—The generations to come will not understand the worth of their possessions, only as they see and

understand their cost. The object of all the emigrants, was to obtain lands for an inheritance for their children. As for themselves, the trials and labors incident to a new country were often too much for them; some, unable to endure the conflict, returned to the East; while others came prepared to buffet all trials and hardships, however severe. Much conflicting interest was manifest between the settlers, from the first, in making their claims. Some were greedy in securing at least one section of 640 acres for themselves, and some as much for all their friends whom they expected to settle in the country. Before the lands were surveyed, this often brought confusion and disputes with reference to boundary lines, and still greater confusion followed when the Government surveys were made in the winter of 1835-36. These contentions often led to bitter quarrels, and even blood shed. Dr. B. B. CARY, of Racine, probably carries to this day a ball thus received. Early meetings were called to devise measures to secure peaceable possession of each one's claim. It was found necessary to form a kind of protective union, and establish some rules that should be our laws for the security and protection of our claims. Accordingly a meeting was held at the store of BULLEN & Co., at Pike River, on the 13th of February, 1836, when AUSTIN KELLOGG was chosen chairman, and Wm. C. ETHRIDGE clerk, when a suitable preamble and resolutions were adopted, and delegates appointed to attend a similar and more general meeting at Racine. This Racine meeting was attended by delegates from the several settlements in then Milwaukee county, and resulted in the formation of the *Milwaukee Union*. Congress was petitioned to assist us by the enactment of suitable pre-emption laws. The proceedings of these two early meetings or conventions, are herewith appended. These proceedings I printed at the time—the former on a large slip or broadside, and the latter in a pamphlet of nine pages. I have but a single copy of each remaining—that of the Pike River meeting is a rejected proof, as all the good copies were taken away; I send both as specimens to the Historical Society for preservation. This printing I did on a rude press

of my own construction, placed on a stump.* A wooden box was made, about twelve by twenty-four inches in size, with sides rising above the base on which the type were made to stand, of the height of the type; I made my own ink, and used the old fashioned ball with which to distribute the ink on the type, and then a roller passed over the paper on the form, resting on the sides of the box or table, that did the press-work. The whole expense of my printing materials, including type, could not have been ten dollars. It was with such limited accommodations that I executed this early printing at Pike River. By these simple materials I have printed some things, when and where no other printing could be had. At one time, I printed 250 copies of a volume of about 130 pages. When "*out of sorts*," I cast some of certain letters, made quads and spaces; and thus I managed to manufacture books, bound them myself, and *read them*. As some improvements have been made in printing since that day, I can very well dispense with my old establishment and business in that line. I may add, that my press and utensils for printing would now be a subject for sport, of which they have elicited an abundance; the type have probably been doing business in another form for years past.

I may truly say, that this old subject of claim is an unpleasant one; it creates hard feelings, and stirs up bad blood, which have not yet become entirely extinct.

Indians.—They were plenty among us, and through this county, in 1835. We had frequent visits from them, and saw them in all parts of the county. Deer were then plenty, so much so that in making a survey of twenty miles, more than fifty might be seen, and sometimes as many as twenty together. Where there was so much game, of course there were Indians, and they were often with us on our surveying excursions. In the autumn

* This printing by Mr. LOTHROP must have been done in February and March, 1836, and his little printing establishment, we think, must have been the second in Wisconsin. The *Green Bay Intelligencer* was commenced Dec. 11, 1833; and the *Milwaukee Advertiser* not till July, 1836. The *Wisconsin Free Press*, at Green Bay, was published quite early—probably commenced in 1836. L. C. D.

of 1835, we had a long visit from them—longer than they wished to pay, or we receive. They were on their return from Chicago, where they had received their annual payment from the Government, when a storm drove them on shore with us, and about three hundred of them were weather bound for nearly three weeks. At first they were peaceable and good customers, till our provisions ran short; when they pressed us hard, and sometimes alarmed the few who ought to have sold to them enough to have satisfied their wants. In their extremity, they took some hogs and cattle. The chief trouble arose from their constant desire for whiskey, which they seemed to suppose every white man must have on hand; and not getting it, they disturbed our nights as well as days. As the country had not yet been surveyed, there was some fear of them.

Burning the Prairies.—After the first frost, in the autumn of 1835, had killed the millions of tons of grass west of us, we began, at Pike River, to see the rising smoke at a distance. The Indians probably had fired the prairies as early as they could for hunting purposes. It was some time in the latter part of September. We began to see the advancing fire towards evening on the prairie, three miles west of us; and, before twelve o'clock, it became a serious affair. The wind was from the south-west, and pretty strong, and the fire progressed rapidly. The blaze and burning fragments being blown by the wind, caught the tops of the high grass, and the raging fire continued to advance so swiftly that a deer would hardly escape it. About nine o'clock in the evening it reached the woods, which extended back from the Lake half a mile, when the rich foliage and fallen leaves fed the flame to a great height. Some precaution had been used for the protection of our shanties and stacks of hay; but we saw, as the flood of flame poured in, that we were not sufficiently prepared. Coverlets and blankets were thrown into the water, and spread over the hay for its safety. The roaring terror came through the woods with awful grandeur. Large trees, as well as all smaller vegetation, quickly fell before the ruthless invader. This was when the

prairies were uncropped by the countless herds that now roam over them.

Fourth of July, 1836.—The first celebration of Independence day was, according to the age of our new settlement, a matter of some interest to nearly all our population, and numbers from Racine. The place chosen for this display of their loyalty to old custom, was in a beautiful grove near the north end of the Island, and near the lake. Some hundreds were addressed by the writer; and several good old songs were sung with much spirit, the whole people constituting the choir, making the grove resound with their patriotic sentiments in Auld Lang Syne. Pleasant Prairie sent a large delegation of men, women, and children, on a car drawn by twenty yoke of oxen, carrying flags suited to the occasion. A suitable dinner was furnished near the house of Mr. RESIGNE, on the bank of the Lake. Their toasts required the aid of neither rum nor party politics. At this period every settler was chiefly concerned in making and protecting his claim.

The Harbor and Piers.—For some years after the first settlement was made at Pike River, much difficulty was experienced in landing passengers and freight from the boats which called at the place. In 1835, schooners from the Lower Lakes ventured within a mile of the shore, and some a little nearer, and sent their lading on shore by their small boats, at the risk of hard labor and damage. Smaller craft came near land. Capt. ROBINSON, of the small schooner "*Hiram*," brought lumber in 1835; and the schooner "*Fly*" brought potatoes from Michigan. The steamer "*Detroit*," in 1836, was the first that ventured here with passengers and provisions; the "*Daniel Webster*" made us a call in 1837; and after this, all kinds of vessels called in good weather. In the summer of 1836, our first citizens provided a lighter, which considerably lessened the risk in landing; A. G. NORTHWAY deserves the credit of having built and managed this craft.

It had been observed by some of the early settlers, that where poles had been driven in the Lake, so as to penetrate firmly into the clay, they withstood the severe north-easters. This fact sug-

gested the possibility of being able to erect a pier or bridge into the Lake. R. G. ORRIS, who came to this place in 1836, was the first to make a move for a pier. He proposed it in 1839, but was considered chimerical in his calculations. In 1840, he saw Mr. CAHOON, the well known nursery man and horticulturist, and engaged him to prosecute the work; and on this, the middle pier, and on the warehouse, Mr. ORRIS expended not less than \$2,000. The attempt was at first a good deal ridiculed by some of our sister Lake port towns, which have since profited by the example. Two more piers were afterwards built, and all have been constantly used during the season of navigation. All the Lake ports, and the country generally, have been greatly indebted to these substitutes for harbors.

Temperance.—Kenosha once boasted of being ahead of all places upon Lake Michigan in the temperance cause. This was in part owing to the temperance clause in the Constitution of the Emigration Company, which, of course, drew together a class of persons of habits so formed as to readily comply with this requirement of the Constitution. In the autumn of 1835, a request was made to the writer to give a temperance lecture at the house of CHRISTOPHER DERBYSHIRE, in Pleasant Prairie, on a Sunday afternoon. Mr. HIGGINS and SERENO FOWLER were the first movers of this meeting. A good congregation was present, and at the close of the address, forty-five persons gave their names to a pledge of total abstinence from all intoxicating drinks.

A few weeks after, a meeting was called at Pike Creek, and an address made by the writer, when thirty names were subscribed to the temperance pledge. From that time till about 1840, Pike Creek (or Southport) was remarkable for the temperance of its inhabitants. A change, however, came over the place by the introduction of limited temperance. One fact will illustrate the new principle. Various talents were called into requisition to present at our meetings the subject of temperance. Rev. Mr. ALANSON, of the Episcopal church, was requested to give his views. "O, yes," said he, "I have often lectured on temperance, and will accept

your invitation for next Tuesday evening." Meanwhile, it was ascertained, that his views favored *moderate drinking*. He was told, that such were not the principles of the Southport Temperance Society; when he concluded not to lecture, but to give his notions on the previous Sabbath evening. He did so, informing the people that he did not deny himself the privilege of wetting his lip when he chose to do so, but warned them against intoxication, as a beastly act, and unworthy of the dignity of man. He allowed that there were cases in which the principles of total abstinence might be the most proper for a society to adopt; that when a person was aware of the fact, that he could not drink without indulging to excess, such might, if they chose, unite with such a Society, and be benefitted by it, and rather advised such to join it.

When the next Tuesday evening came, no one was prepared to address the meeting; and the writer, who was then President of the Society, was pressed into the work. He stated that Southport had been acknowledged as the most noted for temperance of any place on Lake Michigan; and then remarked, that it was by total abstinence principles that this high reputation had been attained. He then warned them against the introduction of the new theory of Mr. ALANSON; yet to test the practical efficacy of the two theories, he would ask the committee to circulate in the large congregation a paper for the names of such as could not drink without excess. After a careful circulation of the paper, it was found that not one had signed it. He then suggested, that as PAUL had advanced the benevolent idea, that "It is good neither to eat flesh, nor to drink wine, nor any thing whereby thy brother is offended or is made weak," so they might act upon the same principle, and sign the total abstinence pledge, if not for their own sakes, yet for the good of others; that it was hard for those whom we love, and for whom we would even make sacrifice, to act alone, but upon this benevolent principle they would sign it in company with others. The pledge was now circulated, and about thirty

additional names obtained. This argument was not lost on the public mind.

But soon after this, the Washingtonian temperance organization becoming the fashion of the day, the old officers resigned, and, as a premium to others for becoming temperate, they were appointed. Soon after, the *Glee Club*, which thought to put down the evil of intemperance by songs and good cheer, made the experiment, and found this kind went not out by laughing and singing. Then came the Sons of Temperance, who were disposed to make the principle of secrecy subservient to the good cause of temperance. This had two objects, self-protection and temperance. The first, as might have been foreseen, gained the ascendancy, and the failure has become universally obvious. Since then, little has been done to stem the torrent, except the efforts put forth to secure the aid of the Maine Law.

Education.—Early attention was given to the subject of education. In the winter and summer of 1836, a school was kept in the first framed house built in the place. On this subject, Hon. M. FRANK says in his sketch of Southport: "On the approach of winter, the inhabitants, with commendable enterprise, succeeded in establishing a school; Rev. JASON LOTHROP collected about thirty scholars, the larger part of which were from the surrounding country." A large log school-house was built at an early day. From that time special pains have been taken to advance the interests of education, providing good houses and the best of teachers. The high standard of education now supported by the city of Kenosha, may be justly regarded as the natural consequence of these early exertions.

Religion.—It was a very appropriate remark concerning many of the professors of religion migrating from the East, that their religion would not bear transportation, but was generally lost in the passage over the Lakes. It was a lamentable fact, that very few showed any greater interest for any object, than they did for a "*good claim*;" even in the early meetings which the settlers held in 1835, the frequent allusions to making a *good claim* in

heaven, showed where the heart was. Nearly two years passed before any move was made for the organization of any church. Mr. ABNER BARLOW, then a Methodist preacher, residing in Pleasant Prairie, was the first person who stately preached in what is now Kenosha. After him we had various calls from those who professed to preach the gospel. When different demoninations came to be represented by their preachers, they met usually in the old log school house on Main street. Then there was much harmony. No church was constituted till January, 1837, when the Methodists formed a society. The Congregational church was organized in June, 1838, by Rev. Mr. CRAWFORD; their first pastor was Rev. Mr. NICHOLS*. The Baptist church was constituted in September, 1833; Rev. JASON LOTHROP was their first pastor, and held that relation about nine years, when illness compelled him to resign the charge. The Episcopal church was organized in 1840, by Rev. Mr. HULL; their first pastor was Rev. WILLIAM ALANSON. No other churches were formed within the period of which I write.

First settlers of Kenosha County.—G. H. Kimball, Hudson Bacon, John Bullen, Jr., S. Resigne, Jonathan Pierce, Gardner Wilson, Jason Lothrop, William Bullen, Nelson Lay, Alfred Foster, Waters Towsley, David Crossit, may be named as early settlers at Pike River, afterwards called Southport, and still later Kenosha. Many came into the place, and remained till they could secure claims in the country back; these are not named in the above list.

Pleasant Prairie.—Horace Woodbridge and Jacob Miller were the first settlers in this town; the latter kept a tavern in a log house on the United States' road, where John Eastman, Esq., now resides. After them came Sylvester Pierce, Caleb Pierce, Robert Barnes; the first two moved into Hickory Grove, and the latter located on the United States' road, where Charles Morgan

* In Pier's History of the Presbyterian and Congregational churches in Wisconsin it is stated that the Kenosha church was organized June 25th, 1838, by Rev. GILBERT CRAWFORD; and Rev. C. C. CADWELL was the first minister, from July, 1838, to July, 1839.

now lives. Then came John T. Cady, and soon after Owin Stevens, who afterwards left, Abner Barlow, who subsequently preached at Pike River and elsewhere. Early in 1836, Daniel Stevens, Christopher Derbyshire, and the Talcotts.

Somers.—The family of Felches were here in 1835, as early as March, and were soon followed by Montgomery, Griffin, Shuart, Allen, Bond, Willard, Stevens, Miller, and Deacon Cephas Weed.

Paris.—Hammond Marsh, the Northways, R. Marston, Fulsom, and Coffin.

Bristol.—Rev. Ira Bristol, from whom the town was named, Levi Grant, Ethridge, Wilbur, Fitch A. Higgins, his son William Higgins, and Rawlen Tuttle, were the first settlers. Joel Walker, in the spring of 1834, made his claim on what has since been known as Walker's Prairie.

Salem.—John Dodge, John Bullen, David Bullen, and Amos Gratton.

Brighton.—Dr. Johnson, and Mr. Wightman.

Wheatland.—Jenkins, the Dixons, and Powers.

Did time and space permit, we should like to present more names, with a more particular account of them; as it is, we must be content to close with some brief sketches of a few of the more noted and prominent.

G. H. KIMBALL was an early settler at Pike River, after purchasing a large tract south of the creek or river; and having sold out much of his interest, he still lives here. He has a fine residence, where he can spend his old age amid the beauties of nature, in a thick forest of fruit and ornamental trees.

Gen. JOHN BULLEN came in the year 1836 and located in the town of Salem, at the place still known as Bullen's Bridge. He was active and influential in labors for his town and county, and was appointed general of militia by Gov. DODGE. He died in Kenosha in 1852.

JOHN BULLEN, Jr, son of the general, was an early settler, and for awhile sole Agent of the Emigration Company, and as deeply interested in its fortunes and issue as any other man. He was for

many years engaged in mercantile business, and has been an extensive land-holder. He still lives to witness the great changes that have taken place since the days of 1835 and '36.

WILLIAM BULLEN, his brother, was one of the first claimants on the island, and afterwards procured a pre-emption on the claim made by H. BACON. He pursued mercantile business, and built a number of large houses, and was much engaged in promoting the interests of the town. He was a member of the Territorial Council in 1838, the two sessions of 1839, and in 1840 and '41. He was honored as a citizen and legislator. He died some years since.

CHARLES DURKEE came from Vermont, his native State, in 1836. He purchased considerable property here, and early commenced building, which he pursued extensively to the advancement of the best interests of the place; the last of these buildings reared by him was the large hotel which will continue to bear the name of *Durkee House* while it stands. He was highly esteemed by the few he found in the place, and his friends have steadily increased with the population. Few men have done so much business, dealt with so many persons, and made so few enemies. He was engaged in every good work, and did his full share in its prosecution. He never waited to be *led*, but was forward in all plans of mercy and benevolence, even when he knew the majority would oppose him. In the cause of temperance and freedom, he was an early and earnest advocate. He was elected a member of the first Territorial Legislature in 1836, and also in 1837 and '38; in 1850, he was chosen to a seat in the lower house of Congress, where he served his two years' term; and in 1855, was elected a member of the United States' Senate. He now resides in Dane county, where he has an extensive farm.

R. H. DEMING came here in the year 1836, and for a time was employed in mercantile affairs. He soon took a prominent part in public matters relating to the welfare and prosperity of the place. His early labors in the cause of freedom, temperance and education, have identified him with the history and progress of

Southport, and the then county of Racine. But all his other public positions and services, will weigh little in comparison with his influence and labors connected with the establishment and support of our public schools. He was one of the first to favor the organization of free schools, and he has uniformly given them his warm encouragement. Kenosha is much indebted to him for the success of her schools, and he has lived to see some of the fruits of these labors, and in his own family.

MICHAEL FRANK deserves to rank high as one of the most prominent and useful of our citizens. He has done much towards the growth and prosperity of Kenosha. In 1837, he exchanged his home in Virgil, Courtland county, N. Y., for Southport. Though unobtrusive in his manners, he soon became appreciated as editor, Justice of the Peace, President of the Corporation, and member of the Legislative Council—in which latter body he served from 1843 to 1846, inclusively. He has been Colonel of the regiment, and had the offer of a General's commission, but he never valued any military office, and seemed not to love the business of war. If he has taken pride in any public stations, it has been in those which enabled him to promote popular education. In our public school system, he is beginning to see the utility of his labors in a generation rising up to bless such philanthropists. His "Annals," carefully kept since he has been a citizen with us, may be of much use and value hereafter.

CHARLES C., and CHRISTOPHER LATHAM SHOLES did not settle so early among us as many others, but the prominent part they have taken in our affairs, demands our notice.

C. C. SHOLES has been long known in Wisconsin—first at Green Bay, and since in our place. He represented Brown county in the Territorial Assembly in the six sessions from 1837 to 1840; and in 1855, represented this county in the Assembly, and was chosen Speaker of that body. Here in Kenosha, he has been known as an active citizen, engaged in all good labors. As mayor of our city, his name has been more associated with the prosperity of the place than that of any other person. In every position he

has occupied, he has exhibited a character of sterling faithfulness and honesty of purpose.

C. L. SHOLES established his newspaper press here in 1840, and has sustained its credit and his reputation as editor, taking rank with the ablest in Wisconsin; its independent and liberal character is well known. He served in the State Senate in 1848 and '49, and in the Assembly in 1852 and '53, and is now serving another two years' term in the Senate. He has always been forward in every improvement and good work. If the spirits of the departed influence none to worse deeds than they do him, we shall not be very jealous of their visits.

"CLAIMANT'S UNION."

"At a meeting of the inhabitants of Pike River, at the store of BELLEN & Co, on the 13th day of February, 1836, AUSTIN KELLOGG was chosen moderator, and WILLIAM C. EBERIDGE clerk, when the following preamble and Constitution, presented by the committee appointed to draft the same, were unanimously adopted :

"Whereas, a union and co operation of all the inhabitants will be indispensably necessary, in case the pre-emption law should not pass, for the securing and protecting of our claims: And whereas, we duly appreciate the benefit which may result from such an association, not only in regulating the manner of making and sustaining claims, and settling differences in regard to them, but in securing the same to the holders thereof against speculators at the land sale; and being well aware that consequences the most dangerous to the interests of settlers will follow, if such a union be not formed; and as Government has heretofore encouraged emigration by granting pre-emption to actual settlers, we are assured that our settling and cultivating the public lands is in accordance with the best wishes of Government; and knowing that in some instances our neighbors have been dealt with in an unfeeling manner, driven from their homes, their property des-

troyed, their persons attacked, and their lives jeoparded, to satisfy the malignant disposition of unprincipled and avaricious men : and looking upon such proceedings as unjust, calculated to produce anarchy, confusion and the like among us, destroy our fair prospects, subvert the good order of society, and render our homes the habitations of terror and distrust—those homes, to obtain which we have left our friends, deprived ourselves of the many blessings and privileges of society, have borne the expenses, and encountered the hardships of a perilous journey, advancing into a space beyond the bounds of civilization, and having the many difficulties and obstructions of a state of nature to overcome, and on the peaceable possession of which our all is depending : We, therefore, as well meaning inhabitants, having in view the promotion of the interest of our settlement, and knowing the many advantages derived from unity of feeling and action, do come forward this day, and solemnly pledge ourselves to render each other our mutual assistance, in the protection of our just rights, and in furtherance of these views, we adopt and agree to abide by and support, the following

CONSTITUTION :

Art. 1. The name and title of this Society shall be the '*Pike River Claimants' Union, auxiliary to the County Union,*' for the attainment and security of titles to claims on Government lands.

Art. 2. Besides a Chairman and Clerk, a board of twelve Censors shall be appointed for the purpose of deciding on all cases of dispute between claimants, coming before them, be chosen without favor to name or party ; five from the twelve to constitute a quorum to act as the Board ; the other seven being subject to objection, if drawn ; yet none but the parties and the Clerk shall be privy to the process of drawing and objecting.

Art. 3. To constitute a claim, there shall be a house body, or frame of sufficient dimensions for a family to dwell in, or half an acre ploughed, or a piece enclosed with at least 100 rails—either

of which shall constitute a claim ; and be entered on the map kept by the Clerk for that purpose, giving the name and time of making the same.

Art. 4. Any person complying with the above, shall be allowed to hold one quarter section, and as much more as the Committee shall say when the question comes before them ; and shall be allowed to act as agent for others, which agency shall in all cases be made satisfactory to the Censors.

Art. 5. The claimant, to secure the protection of the Union, shall, within thirty days after signing the Constitution or making the claim, have the same entered on the Clerk's map.

Art. 6. Thirty days, from the time of signing the Constitution, shall be allowed for perfecting the required labor on claims previously made under other regulations.

Art. 7. At the close of each trial, the Censors may make out a bill of all the expenses attending the same, and determine by whom it shall be paid ; on the refusal of any one to pay the sum put to him for expenses, or for fines for non-attendance as witness, his name shall be recorded by the Clerk as a delinquent, and so debarred from protection and benefits of the Union.

Art. 8. A delegation of five members shall be sent to the Root River Union, for the purpose of generalizing our operations, and uniting claimants in the county, in a more extensive bond for more effectual operation, yet without interfering with each others' peculiar local concerns.

Art. 9. The Chairman, Clerk, and a quorum of Censors may, at any time, call a meeting of the Union, on application to the Chairman.

Proceeded according to the Constitution, and made the following appointments :—WATERS TOWSLEY, *Chairman* ; WILLIAM C. ETHERIDGE, *Clerk* ; ABNER BARLOW, JOHN F. CADY, ORRIN STEVENS, ORRIN JEROME, CEPHAS WEED, CHAUNCEY DAVIS, NELSON ALLEN, ALFRED FOSTER, JOSEPH CAULDWELL, JARED FOX, NELSON GATLIFF, and HENRY MILLER, *Censors* ; JASON LOTHROP, ABNER

BARLOW, JOHN F. CADY, J. M. SHERWOOD, and WATERS TOWSELY,
Delegates.

Resolved, should a vacancy in the above Committee occur, three of the same are allowed to appoint some one to fill that vacancy.

Resolved, That the proceedings of this meeting be printed.

AUSTIN KELLOGG, Chairman.

WM. C. ETHERIDGE, Clerk.

Printed for the Union, at Pike River, by JASON LOTHROP.

THE CONSTITUTION OF THE MILWAUKEE UNION.

That we the undersigned, as settlers of public lands within the county of Milwaukee, deem it of vital importance, that there should be, for the interest of the settlers, cordiality of feeling among them. That should Congress refuse to extend the pre-emption law, our whole dependence is upon union, and our respect for each others' rights: if we go on contending and striving one against another until the day arrives when it shall be decided whether we are to have a home upon the spot that we have selected, there will be no hope of success. And now let us come forward determined to protect one another, and our success will be complete; let not the imprudence of any one destroy the fair prospects of the whole. What must be the condition of those who have expended their last farthing in reaching the spot they claim, if they are to be driven from their temporary refuge by a mob or the unfeeling speculator. To the instigator of the mob we would say, beware!—to the speculator, remember the mournful feelings of the emigrant, sobbing adieu to the tombs and temples of his fathers—his toils and sufferings in building up a new habitation, and gathering the manna of heaven, like the Israelites, from the bosom of the wilderness.

And now, as American citizens, (and there is a charm and magic in the word,) we pledge ourselves to support and protect each other in holding our just and lawful claims, against all op-

position ; also to support and abide by the following resolutions : for the support of this, we solemnly avow to each other, and call upon God to witness their truth and sincerity, and invoke disgrace upon our heads, should we prove guilty of duplicity :

Art. 1. Resolved, That the County be divided into two districts ; that the first district shall include all that part of the county, north and east of the township line of township *four*—second, all that part of the county south and west of the north line of said township.

Art. 2. That each district shall be entitled to a *Register*, who shall be a surveyor, legally appointed by the county surveyor, by the recommendation of the district in which he may reside ; whose duty it shall be to make a correct plot of his district, and record the same upon a book of record, which said surveyor shall keep for the recording of claims ; which shall be subject to the inspection of any person holding or wishing to make a claim, who has or may hereafter sign this Constitution. Said surveyor shall attend to all calls, to examine and survey any premises applied for, and in case there is no previous claim upon said premises, the surveyor shall make a survey of the same, and keep a record of all such surveys, and give a certificate to the said applicant for said premises to the same effect ; which certificate shall be filed in the Treasurer's office of the same district ; and upon application to the Treasurer, to file said certificate, the party applying for it, shall pay to the Treasurer two dollars, and it shall be the duty of the Treasurer to give a receipt for the same.

Art. 3. To constitute a claim, there shall be a house erected on the same, at least 12 feet square, with roof covered with boards or shingles ; also, if in timber lands, there shall be at least one acre chopped for cultivation, and fenced 7 rails high, and if on the prairie, there shall be at least two acres fenced as above ; all to be performed within forty days from the adoption of this Constitution,—the first claimant shall be the person who shall have made the first improvement without evident design of relinquishing the same, by absence, or by making other claims,—that within

forty days from this time, or forty days from the time of making the claim, shall have the same recorded by the District Recorder, and pay the sum of two dollars into the District Treasury.

Art. 4. That all male citizens over the age of eighteen, and females over the age of sixteen, shall be entitled to hold a claim by complying with the foregoing resolutions.

Art. 5. That every person wishing to make or hold a claim within this county, shall make such claim in person, and comply with the 2d and 3d resolutions, except females, who shall reside within the county, who may employ an agent in making a claim, and be protected by this Constitution, and resolutions; in case of leaving the same, they shall employ an agent to reside on said claim.

Art. 6. A Treasurer shall be appointed in each district by their own delegates in this Convention, who shall receive all money paid into the Treasury, and give a receipt for the same, a copy of which shall be filed in the office of the Recorder.

The Treasurer shall keep a true account of all monies received and expended by him, applied to the purposes ordered by this Constitution, and if the same shall not be wholly expended when the land shall be obtained by sale or pre-emption, and all difficulties settled, shall refund the remainder to each person who has signed this Constitution, in proportion to the amount received from each individual. Said Treasurer shall give to the Board of Arbitrators a good and sufficient bond, amounting to two thousand dollars. Each Treasurer shall provide himself with a book sufficiently large to record all claims, and enter upon the same all testimony and decisions of the Committee, with the certificate of the presiding officer within his district, which shall be kept and subject to the inspection of all persons as specified in Article 2nd. He shall keep in his possession this Constitution and resolutions; and every person shall, before paying in his money, sign the same—any person complying with the foregoing, shall be considered a member, and equally protected by the same. Said Treasurer shall be entitled to twenty-five cents for every certifi-

cate he may legally issue ; and for all recording, the same fee as the County Recorder ; to be paid by each individual that may require such recording to be done.

Art. 7. Resolved, That a Board of Arbitrators, consisting of five, shall be elected by the people of their district. The duty of said Arbitrators, shall be to attend to all summons legally served, coming from a Judge or Justice of the Peace, to sit as a *Board of Arbitrators*, to hear and try any case brought before them, within the meaning of this Constitution. The Judge or Justice issuing the same, shall preside over said Board, and record all testimony and decisions of the same. A majority of said Arbitrators shall constitute a quorum, and proceed to business after being duly sworn according to law ; and in case the whole number of Arbitrators are present, each party may have the privilege of rejecting one member of said Board ; and in case that one party has no objection to any one member, the other may reject two of the same, the oldest claimant so contending shall have the preference, provided he has made a legal claim ; and in all cases the decision of the Board shall be final. All the proceedings of said Board shall be made a rule of court, and the Judge or Justice shall proceed accordingly ; and each member summoned and appearing to sit upon any such case, shall be entitled to two dollars.

Art. 8. Resolved, That each member and clerk of this Convention, shall be entitled to two dollars per day while attending, including the time of going to and returning from said Convention, to be paid equally, out of the funds of each Treasury of the districts sending the same, by the members presenting a certificate signed by the President and Clerk of this Convention.

Art. 9. That all decisions of the Board of Arbitrators, in conformity to any of the foregoing resolutions, shall be put in force and complied with, peaceably if *can be*, and forcibly if *must be*. In case forcible means should be resorted to, all reasonable expenses, so made, shall be paid out of the Treasury of the district where such expenses are made.

Art. 10. Resolved, That in case any difficulty should arise, in regard to claims, not comprehended in the foregoing resolutions, the Board of Arbitrators shall have universal jurisdiction over the same, and their decision shall be final, as provided in the foregoing resolutions.

Art. 11. Resolved, That any person who has a family of three or four children, shall be entitled to hold one claim for such children, provided, the oldest of such children does not exceed the age of eighteen or sixteen years; and that he or she shall have complied with the foregoing resolutions.

ALANSON SWEET, B. W. FINCH, ALBERT FOWLER, HORACE CHASE,
HENRY C. WEST, *Milwaukee Delegates.*

GILBERT KNAPP, LEVI MASON, WALTER COOLY, WILLIAM LUCH,
Root River Delegates.

JASON LOTHROP, WATERS TOWSLEY, G. P. POST, GEO. W. GRIFFIN,
Pike River Delegates.

JOHN FOWLE, JOHN P. HAIGHT, *Oak Creek Delegates.*

SYMMES BUTLER, *Skunk's Grove Delegate.*

GILBERT KNAPP,

B. B. CARY,

Chairman.

J. C. KNAPP, Secretaries.

By order of the Convention, printed by JASON LOTHROP, Pike River, W. T."

APPENDIX No. 15.

**WISCONSIN—ITS RISE AND PROGRESS, WITH NOTICES OF
MINERAL POINT AND RICHLAND COUNTY,**

BY STEPHEN TAYLOR.

In the year 1835, I pitched my tent at Mineral Point, one of the principal nucleuses of the early settlement of the North-west, prior to which time West Michigan was but sparsely populated. Agriculture occupied very limited attention; mining, smelting, and their requisite mechanical vocations, almost exclusively absorbed the industrial interests of the people of the Lead Mines. Subsequently, July 4th, 1836, Wisconsin Territory, covering the regions embraced by Iowa and Minnesota, merged into existence, with a total population (in 1835) of about twelve thousand, (including the Oneida, Stockbridge and Brothertown Indians, some of whom enjoy the rights of civilized citizens.) nearly seven thousand of which resided east of the Mississippi river. The State, under its present limits, numbered in 1850, over three hundred and five thousand, and in 1855, it contained over five hundred and fifty-two thousand inhabitants! a respectable increase indeed, in the settlement of a new country. This rapid influx to me is not at all surprising; for as nature allotted a portion of our favored country as an earthly paradise, Wisconsin, with its fertility of soil and salubrity of climate, is eminently qualified in such distinction. Viewing the country from Milwaukee to the Mississippi, and upon a transverse line from Janesville to Green Bay, and from the latter point to the Falls of St. Anthony, in Minnesota, and from the eminences of the bluffs along the "Father of

Waters," southward, an observing tourist will find that the State, throughout its whole extent, assumes one general horizontal appearance; no mountains or hills are here to mar the beauties of the enchanting scene or disturb the harmony of its undulated surface, save a few isolated out-layers, the largest of which are the Blue, the Platte, and the Sinsiniwa Mounds. These *natural* prominences, (neither of which covers more than two hundred acres,) are of an irregular, pyramidical or conical form, and aid gracefully in embellishing the otherwise natural attractiveness of the plain. They served as guides for the roving aborigines—the red man and the warrior. They still serve as majestic "beacons" for civilization; and, elevated a few hundred feet above the gentle swells of the prairie, observable at distances of thirty miles or more, as they are, will ever remain as objects of admiration in all time to come. The diversified view from either of these natural observatories is indescribably grand.

After an absence of over twelve years from Wisconsin, I was amazed, during a recent visit, at the change time had wrought in its progress. Milwaukee was scarcely known other than prospectively; she is now rapidly acquiring importance as a great city, having a population of over thirty thousand, with immense commercial business and business capacity; her streets are spacious, well graded and paved, her public and business houses and private mansions are constructed upon magnificent scales, and of tasty architecture; the brick used for building are of a beautiful buff color and of fine texture, which gives to the whole city the pleasing aspect, as I fancy it, of a tall prim Quakeress, clothed in plain, buff colored garb.

Madison, the second in population in the State, now numbers upwards of eight thousand six hundred inhabitants.* The city, upon an isthmus, or, more properly, upon a peninsula, between Lakes Mendota and Monona, about three-fourths of a mile in

* The present population of Milwaukee (July 1, 1856,) is not less than 35,000, and Madison fully 10,000.

width at its narrowest point, has an irregular undulating surface, though of easy and accessible grades in all directions. The centre Park, or that one on which the Capitol stands, is an almost level plateau, elevated seventy feet above the lakes, and contains about fifteen acres. Nature has studded it with thrifty forest trees—art has tastefully adorned it with gravelled walks and gas lamps! The grounds, without the park, gradually descend, and again with gentle ascents form numerous elevations, varying in altitude from thirty to one hundred and twenty-five feet, affording many desirable sites for villas. University Park, containing over fifty acres, is the most prominent of these elevations, and from the college buildings, situate at the highest point, and from many other prominences and public and private observatories, a view of the city, its public buildings, and its numerous princely mansions, equalling in magnificence those of our eastern cities—justly entitling Madison to the provincial cognomen of *Palatial City*—the sparkling lakes, skirted with every variety of scenery, the bluffs, the capes, the coves, the prairies, the ravines, the groves, the meadows, and the vision-encompassed luxuriance of the husbandman, is sublime beyond comparison. In truth, the grandeur of the scenery of the “Four Lake Country” is equalled only by that part of Hilges’ Panorama of the Creation and Deluge, representing the Garden of Eden, with its life like crystal lakes and floral verdure; and those who have feasted upon that imaginative picture only can fancy the beauties hereabouts.

In the summer of 1836, with a comrade, I camped at the head of Mendota or Fourth Lake, within six miles of the spot where the Capitol now stands, at which time there was not within twenty miles of that point a single white inhabitant, and none within the present limits of Dane county, an area of twelve hundred and forty square miles, excepting Col. E. BRIGHAM, at the Blue Mounds, and those of his household. Contrast the present with the condition of the country nearly twenty years ago, when the Indian and the deer, unmolested, roamed the forest and the plain, and you behold the county of Dane with over thirty-seven thousand enlight-

ened and industrious people! and the flourishing city of Madison, the concentration of fashion and affluence, vieing with older cities for pre eminence as the seat of science, literature and the arts, with her University, State Historical Society, State Agricultural Society, Natural History Association, Public Libraries, and various other local institutions, respectably comparing with those of similar character in the eastern States.

"The Lake Side Water Cure," a hydropathic institute, of large dimensions, "across the waters," in the midst of a natural park of fifty acres or more, and in view from all the prominences of the city, is another object of attraction, and is fast gaining celebrity among invalids from all parts of our country.*

The buildings of the city, both public and private, also partake of the Quakeress character, though not of brick; the material generally used is a magnesian limestone, entirely destitute of fossils, susceptible of tolerably fine sculpture, and, upon penetrating the quarries beyond the influence of surface discoloration, of a beautiful buff color. I presume it to be the *lower* magnesian stratum. Are there in it indications of a lead-bearing character?

The lakes around Madison are deep and of remarkable transparency, abounding in many piscatory varieties, of large size, where disciples of Izaak, male and female, enjoy the angling pleasures with more reality than mere *nibblers*.

Prairie du Chien, on the Mississippi, at its confluence with the Wisconsin river, contains about two thousand inhabitants, though, like Rip Van Winkle, she has reposed for many years. A railroad, in progress from Milwaukee terminates here, and the prospect of the near approach of the "iron horse," with its shrill whistle, seems to have aroused her citizens from their lethargy. "The Prairie," a handsome river plain, covering an area of ten or twelve square miles, is skirted on the east by the same picturesque bluffs, which adorn the scenery of the Mississippi as far

* This institution is now under the superintendence of one of the ablest hydropathists of the Union—Dr. E. A. KITTREDGE, recently of Boston, so favorably known by his humorous productions over the signature of "Noggs."

as the Falls of St. Anthony. The superior steamboat landing and her agricultural and other advantages, warrant for this ancient frontier trading post, at no distant day, an eminent position as a populous commercial city.

Between Prairie du Chien and the Falls of St. Anthony, the country, prior to 1839, contained few inhabitants other than semi-civilized Indians; who occupied, as villages, many of the prominent locations which now flourish as populous miniature cities; the most important of which are Lansing, in Iowa, Prairie La Crosse, Prescott and Hudson, in Wisconsin, and Winona, Red Wing, Wabasha, Stillwater, St. Paul and St. Anthony, connected with Minneapolis by a wire suspension bridge, from an island above the cataract, in Minnesota. These are all eligible points, in every view, yet, as inducements to capitalists and business adventurers, (I merely throw out a suggestion) would it not tend to advantageous results, in the prosperity of these cities, were the proprietors to *reduce* the price of grounds to a grade at least as low as that of New York or Philadelphia?

To antiquaries, the most interesting feature in this region, is that of its earthwork embossments. The writer, during 1842,* devoted much labor in preparing an essay on the existence of the tumuli of Wisconsin, and was sorely perplexed, in his recent perambulations in that State, at the ruthless desecration of many of the mounds. Why should these interesting relics of antiquity be thus thoughtlessly leveled with the earth by the plough share and the hoe? Truly the patriotic agriculturalist should at least devote, in their preservation, a spark of the same veneration bestowed upon them by the uncultivated Indian. They remained undisturbed by the savage for countless years—they are now in charge of a civilized destroyer! Upon the PRESS of the State rests the responsibility of the protection of these labors of an ancient people—should that palladium fail in their transmission to posterity, in their pristine condition, I warn the habitant to

* Am. Jour. Science, vol. 44, p. 21.

desist in the demolition of the mounds, lest the spirits of those who revere them most, should in an unpropitious moment visit their desecrators with the vengeance such profanity merits.

MINERAL POINT IN DAYS OF YORE.

For some time prior to the settlement of the Lead Mines, the miners, under the regulations of the War Department, were licensed to explore and occupy the mineral lands in that region, though in consequence of the hostility of the Indians to the explorations and encroachments of the whites, they seldom ventured far beyond that protection which numerical strength and the defensive organizations near Galena secured.

It was in the autumn of 1827, upon the cessation of the Winnebago disturbances, that the more daring and enterprising, prompted by the hope of discovering vast mineral treasures, the existence of which over a wide extent of territory, the many flattering accounts had so truthfully pictured, banded together in well armed squads, over-run the country *prospecting** in all directions. They were usually, in those times, governed by certain surface indications, the most infallible of which were the old Indian diggings, which were found in almost every direction, and their locations were marked by the many small aspen groves or patches indigenous to the up-turned clay of the prairies in the lead region. By the rude and superficial mode of excavation by the Red men, much mineral remained in the diggings, as well as among the rubbish; mining in these old burrows, therefore, not only at once justified the labor, but frequently led to the discovery of productive mines. "Gravel mineral," carbonized so as scarcely to be distinguished from water-worn pebbles, and occasionally lumps weighing several pounds, were exciting evidences of the existence of larger bodies upon the highlands in the vicinity. The *amorpha canescens*, or "masonic weed," peculiar to the whole country, when found in a cluster of rank growth, also attracted

* A term applied by diggers to those who moved from place to place, sinking small shafts with a view of discovering mineral in unexplored regions.

the attention of the Indian as well as the more experienced miner, as it was supposed to indicate great depth of clay or the existence of crevices in the rock beneath. By such means were the mineral resources of Wisconsin explored and developed, and thus was the manner of the discovery of the productive mines at

MINERAL POINT,—

a piece of land elevated about two hundred feet, narrowing and descending to a point, situated in the midst of a valley, as it were—a ravine bounding the same both eastward and westward, through which tributaries of the Pekatonica River flow, uniting in a wider valley to the southward. It was upon *this point* that the “leads were struck,” the fame of which spread, and so quickly became the centre of attraction, the miners flocking to them from every quarter. It was customary, upon the discovery of new diggings, to distinguish them by some appellation, so this locality, on account of its peculiar position and shape, was formally called “Mineral Point,” and hence the name of the present village, the nucleus of which was formed by the erection of a few small log cabins, and huts built with square cut sods, covered in with poles, prairie grass and earth. These very comfortable though temporary shelters were located in the vicinity of the intersection of what are now called Commerce and High streets, at the margin of the westerly ravine, and in view from the diggings on the *point*.

Females, in consequence of the dangers and privations of those primitive times, were as rare in the diggings as snakes upon the Emerald Isle, consequently the bachelor miner, from necessity, performed the domestic duties of cook and washerman, and the preparation of meals was indicated by appending a rag to an upright pole, which, fluttering in the breeze, telegraphically conveyed the glad tidings to his hungered brethren upon the hill. Hence, this circumstance, at a very early date, gave the provincial *sobriquet* of “*Shake Rag*,” or “*Shake Rag under the Hill*,” which that part of the now flourishing village of Mineral Point, lying under the hill, has acquired, and which in all probability it

will ever retain. So much for the origin of Mineral Point. I will now venture a few remarks regarding the manners and customs of its inhabitants in days of yore.

The continued prosperity of the mines, in a comparatively brief period, increased the population of the village to several hundred, comprised as is usual in mineral regions, of representatives from every clime and country, and in such conglomeration, it is fair to presume, of every stripe of character. This increase of population, including many of those expert in the "profession," warranted the establishment of numerous gambling saloons, groceries—a refined name for groggeries—and other like places of dissipation and amusement, where the unwary, and those flushed with success in digging, could be "taken in and done for," or avail themselves of opportunities voluntarily to dispose of their accumulated means, either in drowning their sorrows in the bowl, or "fighting the tiger" in his den.

Notwithstanding such were the practices almost universally, more or less, indulged in by the denizens, yet the protracted winters in this then secluded, uncultivated and sparsely populated country, and, for that reason, the absence of those more reputable enjoyments which mellow and refine sociality in other regions, in a measure justified a moderate participation in this mode of driving *dull* cares away. These congenial customs, peculiarly western, were as firmly based as the laws which governed the Medes and Persians, and wo to those, from lands of steadier habits, who would endeavor to introduce innovations adverse to the established policy of those days! Hence the propriety and necessity of harmonizing with, and following in the trail of the popular will. But such, I am happy in the conviction, is not *now* the case—virtue, in the progress of events, has naturally succeeded profligacy, and Mineral Point, freed from contamination, stands redeemed of her former errors.

Among the most distinguished of the earliest pioneers of Mineral Point, yet upon the stage of action, are Col. ROBT. C. HOARD, Col. ROBERT S. BLACK, (now of Dodgeville,) Col. HENRY M. BIL-

LINGS, Col. DANIEL M. PARKISON, Col. ABNER NICHOLS, FRANCIS VIVIAN, PARLEY EATON, LEVI STERLING, EDWARD BEOUCHARD, JOSIAH TYACK, JAMES JAMES, SAMUEL THOMAS. Mrs. HOOD, AMZI W. COMFORT, O. P. WILLIAMS, (now of Portage City,) M. V. B. BURREIS, MILTON BEVANS, PETER HARTMAN, JOHN F. O'NEILL, WILLIAM SUBLETT, JOHN PHILLIPS, JOHN MILTON, GEORGE CUBBAGE, JAMES HITCHINS, JOHN CASERLY, EDWARD COODE, and WILLIAM TREGAY. And the following, who have since paid the debt of nature, viz: Col. JOHN D. ANSLEY, Col. JOHN MCNAIR, ROBERT DOUGHERTY, Capt. WILLIAM HENRY, STEPHEN TERRILL, MARK TERRILL, Dr. EDWARD MCSHERRY, Dr. RICHARD G. RIDGLEY, NICHOLAS UREN, RICHARD MARTIN, JAMES S. BOWDEN, JOHN HOOD, LORD BLANEY, JOSEPH SYLVESTER, MATTHEW G. FITCH, THOMAS MCKNIGHT, STEPHEN B. THRASHER, ROBERT W. GRAY, JOSEPH MORRISON, JAMES HUGO, HUGH R. HUNTER, EDWARD JAMES, (late U. S. Marshal,) WILLIAM PRIDEAUX, JOSEPH JAMES, BENJAMIN SALTER, and "CADWALLADER the keg-maker."

Mineral Point, numbers at this time, not far from three thousand inhabitants. Besides the Court House and County offices, the United States Land office is located here, which, with the lead trade, gives to the place quite a business aspect. The "new town" is well laid out with spacious streets, and improved with commodious mansions and large gardens, decorated with thrifty groves of spontaneous growth, contrasting materially with the original miners' huts and sod cabins of the old village of "*Shake Rag under the Hill*." The increase of population and the erection of numerous Church edifices with towering spires, has, to a remarkable degree, changed the manners and customs of the people. The village is now classed among the most healthy and respectable in the State, and, upon the completion of her railroad connection with the east, bids fair to become quite an important business place. So mote it be, is the prayer of one of its early denizens.

Having thus briefly disposed of Mineral Point, perhaps it may

not be considered out of place here to introduce a brief notice of the origin of

RICHLAND COUNTY.

Therefore, as a prelude to the sketch of that county by IRA S. HASELTINE, Esq., published in the Report and Collections of the Wis. State Historical Society of last year, I offer the following: During the winter of 1841-'42, the total adult male resident population, within the bounds of what is now Richland county, numbered only *seven*—viz: Messrs. JOHN COOMBS, EDWARD COOMBS, HARDIN MOORE, MATTHEW ALEXANDER, Capt. JAMES B. ESTES, STEPHEN TAYLOR, and a trapper named KNAPP, whose secluded hermitage was situated in the vicinity of the mouth of a stream near the south-west corner of the county, which stream subsequently received his name. This section then composed part of Crawford county. Its remoteness from Prairie du Chien, the seat of justice, dictated the project of a new organization, and its consequent annexation to Iowa county for judicial and other purposes. With a view, therefore, of comparing ideas upon the utility of such an organization, notices for a meeting, to be held on a future day, at the Eagle Mill on Eagle creek, were posted, at which meeting the *entire people* assembled, and the preamble and resolutions prepared, in the form of a petition to the Legislature, then in session, by a committee appointed for that purpose, were with great unanimity approved! These proceedings (now, doubtless, on file among the archives of the State,) were appropriately referred to the representatives of Iowa, Grant and Crawford counties, upon whose favorable report the act establishing the county of Richland, was passed, defining its limits, &c., in accordance with the desires of the petitioners. In addition to which, Col. ABNER NICHOLS, JOHN RAY, and, if memory serves me, JAMES MURPHY, all of Iowa county, were commissioned to locate the future seat of justice. These gentlemen in the following summer, after partaking of a sumptuous feed (usually provided upon such occasions by parties most interested,) formally "stuck

the stake" upon section 35, town 9, range 1, at the *lower ferry*, about a mile and a half west of the meridian.

In selecting a name for the new county, some differences of opinion existed; the united object, however, was to adopt such an one as would elicit attraction, and at the same time bespeak the true character of its territory—the appellation, *Richland*, was, therefore, adopted. This cognomen being the only claim the writer possesses in the county, and which he will never surrender, has, he presumes, been justly awarded.

PHILADELPHIA, Jan., 1856.

APPENDIX No. 16.

LEGEND OF THE RED BANKS,

BY HON. CHARLES D. ROBINSON.

Upon a high bank, on the eastern shore of Green Bay about twelve miles north of the town, is an interesting earth-work, bearing a singular resemblance to military defences of modern times. Its walls, at one time, must have been some seven feet in height, or thereabouts, having a ditch or moat on the outside, and provided on its three exposed sides with regular bastions. Its fourth side fronts on a precipice of perhaps one hundred feet in height, whose base is washed by the waters of Green Bay; and leading down this steep bank impassable at any other immediate point, is what seems to have once been a protected passage of steps cut into the clay, and perhaps covered with boughs of trees. This was the communication from the fort to the water; and standing here now, it needs but little fancy to see those grim warriors of the olden time filing down their covered way, with less of the pomp, and more of the nerve of the mailed knights of feudal days, issuing from their rock-bound castles.

In, or near, the centre, are two parallel walls, about twenty-five feet long, which were probably united at the ends, as there is some appearance of it now. It is very difficult to imagine the use of this part of the structure, unless it was to protect valuables, or such inmates of the fort as were incapable of aiding in its defence. Had the place been constructed in these days, it would have made a magazine of the most approved kind. A few rods to the north, outside the walls, and on the very brink of the pre-

cipice, is what was once, apparently, a look-out—a high mound of earth, a few feet high, now half carried off by the wearing away of the cliff. To the southward and eastward of the fort, occupying some hundreds of acres, were the planting grounds of the people who inhabited the place. Large trees now over-grow the ground, yet the furrows are as distinctly marked as if made but last year, and are surprisingly regular. The whole work is admirably placed, and would do credit to the forethought and judgment so necessary in correct military positions of modern times.

This is the only ancient earth-work, it is believed, which possesses an undoubted history or tradition, and that is but the history of its fall. When and by whom it was built, there is no story—nothing but the persistent declarations of the Indians of the vicinity that it was the work of red men long, long ago. The tradition which follows, is related by O-KEE-WAH, or *The Sea*, an Indian woman now living near the Red River, on the eastern shore of Green Bay, and who, beyond doubt, is upwards of one hundred years of age. She sat over a wigwam fire, only a few nights ago, and related this story, while the light of other days faintly illumined her wrinkled face as she marked out in the ashes the plan of the campaign, and as she told of the long days of desperate fighting, in which her ancestors were engaged, her withered arms seemed nerved with the strength of youth, like the old soldier, who

——“Shouldered his crutch,
And fought his battles o’er again.”

“It was long ago,” said O-KEE-WAH *—“I was so high”—placing her hand about three feet from the ground, “when my grandfather told me the story. The Sauks and the Outagamies lived in the old fort at the Red Banks. They had lived there a long time, and had their planting ground there, and ruled the whole

* The tradition is rendered into English with the strictest possible adherence to O-KEE-WAH's relation, though, of course, without attempting to follow the Indian idioms. She told it in her own tongue, and it was translated by a faithful interpreter.

country. The forests eastward were full of deer, the waters of the Bay were full of fish, and they possessed the whole. We (the Menomonees) lived over the Bay, (at the Menomonee River,) and we sent down the Lakes, inviting the other tribes to come up and help us drive out the Sauks and the Outagamies. They came in canoes—the Chippewas, and Pottawattamies, and Ottawas, and many more. You see how wide this Bay is; their canoes stretched half way across; the Bay was half full of canoes, and each canoe was full of fighting men; they sent their greatest braves. They landed here at the Red River, after coming across from Menomonee, and for two miles along the beach their canoes were so thick that no more could be crowded in. From here they all went, in the night, to the Red Banks. They had bows and arrows, and the heads of the arrows were of flint. Silently they paddled along until they came to the fort, and then the canoes were stationed all along in front, out of reach of arrows from the shore. A part of the warriors staid in the canoes, and a part went on shore and formed a line around the fort, so that, with those on shore and those on the water, it was completely surrounded, and there was no escape for the people inside. So cautiously was all this done, that of all within that fated fort, but one discovered it. A young woman, whose parents lived within the walls, had that day been given, against her will, to be the wife of one of the Sauks living in the immediate vicinity. In the night she ran away from his wigwam and went home, passing on her way the lines of the besiegers. Rushing into the fort, she awakened her family, with the cry, 'We are all dead!' The father laughed at her story, and laid down to sleep again.

"Just before daylight the battle began, and it lasted many days. The besieged fought bravely, standing in the trenches within the walls, and the blood was up to their ankles. They had no water, for the supply was cut off by the party on the beach. They tried in every way to obtain it. Vessels attached to cords were let down to the water by night, but the cords were cut before they could be drawn up. 'Come down and drink!'

cried out the Menomonees ; ' here is plenty of water, if you dare to come down and get it.' And they did go down many times. These taunts, and their great necessity, made that narrow way the scene of many desperate sallies, but all to no purpose. The besiegers were too strong.

" The heat of a burning sun, and the dreadful suffering for the want of water became intolerable. Some rain fell once, but it was only a partial relief for those who were perishing in sight of that sparkling water which was almost within reach. At length one of the youngest chiefs, after fasting strictly for ten days,* thus addressed his companions : ' Listen !—last night there stood by me the form of a young man clothed in white, who said, ' I was alive once—was dead, and now live forever ; only trust in me, now and always, and I will deliver you. Fear not. At midnight I will cast a deep sleep upon your enemies. Then go forth boldly and silently, and you shall escape.'

" Thus encouraged, and knowing this to be a direct revelation, the besieged warriors decided to leave the fort. That night an unusual silence pervaded the entire host of their enemies, who had been before so wakeful. So in silent, stealthy lines, the wearied people passed out and fled. Only a few, who disbelieved the vision, preferred to remain, and they were massacred with fiercer barbarity than ever, when next morning the besieging tribes awoke from their strange slumbers to find that their prey was gone."

* The Indian custom when desirous of supernatural direction.

APPENDIX No. 17.

THE PROGRESS, CONDITION AND PROSPECTS
OF WISCONSIN.

BY HON. TOM O. EDWARDS.

If coming events cast their shadow before, Wisconsin must needs become the "Empire State." The youngest now of the five giant offsprings of the immortal Ordinance of '87, she is yet in swaddling cloths—whilst Ohio, the oldest, is now fairly decking herself in the "Toga virilis." Wisconsin, altho' the youngest of the "five," has given evidence, by her vigorous growth, her sinewy, nervous frame, and her feats of infantile prowess, of what may be expected of her adult age.

As her growth in the past has not depended upon a miracle, so her future development will result from natural causes. Other States have grown because they contained natural elements of activity and wealth. These elements exist in Wisconsin to a degree not found in any other State west or east. We have arrived at this conclusion after looking over the whole course of past increase in population and wealth in this and other States, and fearing the criticism of this opinion may be the too common expression of "humbug," or be traced to that boastful spirit which abounds in vague generalities that prove nothing and satisfy but few, we append reasons for this opinion, and challenge the severest scrutiny. Geographical position is a most important element of growth and prosperity. Wisconsin is located between 42° and 47° 50' of north latitude. This is the northern temperate region, and is the one in which man has exhibited most energy and devel-

opment. Her atmosphere is cool, clear and dry, and consequently invigorating. Bilious and miasmatic affections, the scourges of Michigan, Illinois and Iowa, are little known. Health and longevity, two most desirable blessings, are consequently attainable here. From a table of the last United States census, (an impartial report, of course,) we obtain the following facts :

This table gives the relative health, progress and deaths of the several States, and illustrates that the number of deaths in ratio to the number of living is—in the State of Maine, 1 to 77 ; Vermont, 1 to 100 ; Connecticut, 1 to 64 ; Illinois, 1 to 73 ; Iowa, 1 to 94 ; Wisconsin, 1 to 105 ;—and this is not only a fair comparison among the above named States, but exhibits the least number of deaths, proportionate to the population, in Wisconsin of any State in the Union.

COMMERCIAL ADVANTAGES can be ascertained by simply mentioning her position—on her eastern border is Lake Michigan, on the north, Lake Superior ; and on these Lakes, in conjunction with Lake Erie, already floats a commerce, by the tabular statements of the census returns, greatly exceeding our entire foreign trade—on her west runs the Mississippi River, the entire length of the State, 400 miles, connecting her with St. Louis, New Orleans and foreign nations. These facts need no comment. Statistics prove that the exports of Wisconsin for last year amounted to more than sixteen millions dollars. Her soil is an element of wealth not sufficiently known to be fully appreciated. Wisconsin is pre-eminently an agricultural State, and is capable of becoming as wealthy as any one of the western sisterhood. By the late census and other data, it may be safe and fair to calculate that there are about one and a half millions acres of cultivated land in the State ; which, as now occupied, constitutes about 50,000 farms, more or less tilled. There were shipped from Milwaukee over two millions bushels of wheat the past season.

Besides this one and a half millions acres of improved land, there is, within the area of the State, above 30,000,000 acres of land, of which at least 20,000,000 is suitable to be converted into

productive and pleasant farms—enough land to make two millions additional farms—waiting for occupants; and may be purchased at low prices, ranging from \$1,25 to \$60 per acre.

In regard to the value of improved lands in the new States, the same report shows that the average value is—in Illinois, \$7,99; in Iowa, \$6,09; in Texas, \$1,09; and in Wisconsin, it is \$9,58—a very fair show for a young State.

And by looking carefully through the tables, we find that the average value of products per acre, exceeds that of the other States named, in about the same proportion that the land exceeds theirs per acre in value. Draw a line from Manitowoc to Portage, thence directly to the Falls of St. Croix, the farming lands lying south of this line, and comprising nearly one half the State, are not equalled in all respects *as farming lands*, in any State of the Union; on which an industrious farmer can raise from 30 to 50 bushels of wheat, or from 50 to 80 bushels of corn to the acre. North of this, a belt of hard timber extends east and west 150 miles on the latitude of Stevens Point—from 50 to 100 miles in width. The soil of this region is fertile, but the timber is its present wealth. Unlike the prairies, building material for fences is convenient, and no country produces better or more wheat—the staple crop. The indigenous and cultivated grasses flourish admirably, and combined with numerous streams, afford the best facility for grazing. This peculiarity, (abundance of water,) pervades the entire State, and presents inducements for cattle growing not found in the other prairie countries, where running water is found at distances too great for cattle. The water power on the St. Croix, Black, Chippewa, Rock, Crawfish, Wisconsin and other rivers, surrounded by these agricultural regions, and every kind of raw material, and abundant lumber—without any competition in the Mississippi valley—this water power is but partially used, but in time must be most valuable. Eastern men can appreciate this important fact, and we need but designate the points to make the water power of this State an important element of wealth and greatness.

The immense Pineries at the source of these rivers are convenient to their various falls—taken into account with the scarcity of timber in Illinois, Iowa and Missouri—afford us treasures inexhaustible. They are at present demanded by these States. Most of these rivers empty into the Mississippi, and are navigable for rafts, whilst not a few are accessible at certain seasons to boats of large size.

On the south-west, the country abounds in Lead, which is extensively worked; on the north, the Copper mines have challenged the interests of eastern capitalists. These mines give employment to labor, and offer a home market for immense agricultural products, as well as foster manufacturing on a most extensive scale. With all these, we have a system of railroads traversing the State, and reaching the most desirable points above mentioned—and without this advantage, many of these sources of wealth would be lost. Her natural scenery equals any State of the Union.

We have stated facts, and from them what are our most reasonable deductions? Is not her course in accordance with her motto, "Forward?" In 1840, Wisconsin had 30,000 inhabitants; in '50, 305,000; in '55, 552,000. In population she has out-stripped all the Western States, no one having increased ten fold in ten years. In five years she has nearly doubled her population, having increased 247,000; whilst Illinois, a growing and rapidly increasing State, has added but 30 per centum to her population.

The territory of Wisconsin is larger than either New York, Pennsylvania, Ohio or Indiana. The last, by the last census, had a population of 1,000,000, the next before, 2,000,000, the second, 3,000,000, and the first, in round numbers, 4,000,000. Wisconsin has a richer soil than New York, and more acres susceptible of cultivation than New York or Pennsylvania. The S. E. counties of Wisconsin are the only settled portions of the State, whilst the north and north-west are comparatively a wilderness. Taking the population of New York as 4,000,000 for our data of calculation, and taking into account that she has a larger proportion of sterile

land than Wisconsin, and that the city and environs may be regarded as national and dependent upon position, we may safely give the rural districts 3,200,000; and, moreover, were she as densely populated as Massachusetts, she would have 6,000,000; these being the data, and Wisconsin one-fourth larger, would contain 7,500,000, with the same number to the square mile. Taking the growth of Ohio and Indiana as a data for Wisconsin increase, we can safely predict, in five years, 800,000 inhabitants, in ten years, 1,100,000, in fifteen years, 1,500,000, in twenty five years, 3,000,000, in fifty years, 5,000,000. These are subjects challenging the attention and interest of all desirous of seeking a home, and a State with special advantages.

The advantages presented in the preceding, impress every visitor to the State, and have induced greatly the improvements we have simply glanced at. The Chairman of the Board of Trade of the Chamber of Commerce of Cincinnati, visited this State last summer. We know the writer, and no man is better qualified, by travel, reading and observation, to give a correct opinion than he. The following extract, from a letter written during a summer tour, will exhibit his opinion of the present, and from it we may deduce the future greatness of the State.

In a communication to the Cincinnati Gazette of the 9th of August, 1855, he says:

“One peculiarity, wherever I traveled in Wisconsin, struck me forcibly, viz: the apparent high degree of culture, cleanliness and thriftiness of the farms. There is not half so much to remind one of a *new* country as there is in Ohio and Indiana, and this is attributable *chiefly* to the fact, that almost every quarter section, in its natural state, is ready for plowing and fencing without the labor of felling trees enough to burden the navy of the world; and *partly* to the fact, that the class of settlers are off-shoots from the hardy and industrious sons of New England, or the farmers of Western New York and Northern Ohio. FIFTY YEARS’ LABOR IN NEW ENGLAND, OR TWENTY YEARS’ TOIL IN OHIO, ARE NOT EQUAL IN THEIR RESULT TO FIVE INDUSTRIOUS YEARS IN WISCONSIN. T.”

Here is told in plain, simple and concise language, facts that could not be more forcibly or truthfully delineated in a column, and are the observations of a man whose opportunities and capabilities for judging, are equal to any man's in the Union.

The Legislature of our State has fixed the rate of interest, by contract at 12 per cent., and has repealed all laws forfeiting the *principal*, if interest beyond this sum be agreed on. Our laws now, whilst fixing the rate at 12 per cent., require a tender of the principal, before a suit can be brought to recover any excess, giving a freedom to the value of money, unknown in any other State in the Union. We doubt not this will bring the surplus capital of other States to ours, and will aid in developing our valuable resources.

Health and longevity have ever engaged the attention of the benevolent and scientific. The selection of a home has many responsibilities—none more imperative than climate. The denizen of the North must pay the penalty of acclimation in a Southern latitude. This most frequently ultimates in diseases only terminable with life. The Southerner cannot with impunity remove to a Northern climate without similar penalties. A climate without either extreme, or one approximating the 45th deg., (being equidistant from the equator and pole,) would *a priori* be a common ground of compromise and safety. The latitude of Wisconsin is between 42° and 47° 50', and thus from geographical position, is not liable to objections existing either north or south. Individual experience confirms this fact—yet with it we have incontrovertible truths to sustain the position, that this parallel is not only the most healthful, but that business, general prosperity, and all the elements of social life we have most happily combined. One of these truths is, that no nation ever has arrived at or for any period maintained greatness or wealth, unless in the changes of climate in that nation, winter be found to exist. If the winter be even protracted or severe (not too extreme in either respect) it is better than no vicissitude. The ice-bound coast on which the May-flower landed, was as evidently the direction of Providence,

as were the principles of the Pilgrims traceable to the Being "from whom comes every good and perfect gift." The necessities of our forefathers under a rigorous climate, made them not only the most thrifty, but the most enterprising and successful of their age. We are on a parallel with Boston, with more than 20 degrees less depression in temperature, and with climatic advantages beyond conception. We have no easterly or north-eastern winds, sweeping over thousands of miles of ocean, robbed of heat and balminess, to terrify the infirm or aged.

We have winters commencing about the 10th of December—terminating in March—characterized by many peculiarities, yet noted for no inconveniences incompatible with health, comfort and business. Snows here are never deep—strong, persistent winds are unknown in winter—and rain does not fall after the middle of December, until the early rain unlocks the frost and gives life and being to vegetation; the rain guage shows a fall of but 25 inches during the year—the usual average east is about 53 inches. Our summers are cool and not variable, and the atmosphere during the entire year is remarkable for its clearness, dryness and transparency. No country can surpass the purity and clearness of the water in this. It is convenient and accessible—springs and natural lakes are the predominant characteristics.—These things are not miracles, but are dependent on natural laws, governing countries of certain geographical and topographical position. The latitude of Philadelphia is about 40° north, yet from position, the vicissitudes of climate are greater than with us. There the winter is somewhat shorter and apparently concentrated—yet its changes are destructive to comfort and health. New York is liable to similar but greater objections. With every change of wind there, the temperature changes—all from the contiguity and antagonism of large bodies of land and water, can never be averted. Our position, approximating the centre of the continent, exempts us from these changes—and this blessing is manifested in general good health and a corresponding physical development. We have no epidemics—no endemics; miasmatic

affections with their countless ills are unknown here—and the lustre of the languid eye is restored, and paleness of the faded cheek disappears when brought into our midst.

ERRATA.

Page 46, seventh line from top, "better" should be *letter*.

82, note, BLACK BIRD should be BLACK PARTRIDGE.

104, last paragraph, "four or five of the Grignons," instead of "at the Grignons."

109, seventeenth line from top, "leave in store," instead of "have in store."

121, JEAN MARIE QUEN de Lamouche, should be JEAN MARIE QUERIE dit Lamouche.

123, eight line from top, instead of St. Josephs on Lake Michigan, it was St. Josephs, a large isl. and in the Straits of St. Mary's, between Lakes Superior and Huron, and about forty miles north-east of Mackinaw; and not only intelligence was sought, but all the help also that could possibly be obtained.

140, fifteenth line from the top, substitute the word *provisions* for "permission."

144, GRAND SINORE should be GRAND SIERURE; and page 190, SERVITEUR should also be SEIZURE.

151, SOYER should be LOYER.

155, and elsewhere, WAH-WAH-PECK-AH should be WAH-NAH-PECK-AH.

161, note giving Gov. REYNOLDS' charge that squaws had been forcibly taken on board the two keel-boats, in 1827, for corrupt purposes, Judge LOCKWOOD pronounces entirely without foundation. After the forms of Judge LOCKWOOD's communication had been worked off and sent him at Prairie du Chien, he exhibited Gov. REYNOLD's statement to Gen. DOUSMAN, and several old French settlers who were in the country in 1827, and who were well acquainted with the French voyageurs who shipped from Prairie du Chien for this trip, and they all unite with Judge LOCKWOOD in declaring, that they never before heard such an intimation, and that it is beyond all question entirely untrue and unjust; that Gov. REYNOLDS must have been imposed upon by some one who either ignorantly or maliciously misrepresented to him the cause of the attack. The connections, associations and sympathies of the French voyageurs were invariably with the Indians, and they never would have been guilty of participating in any such atrocity.

163, thirteenth line from top, "soldier" should be *sailor*.

175, GIAPON should be GIASSON, and tenth line of same page should read, "that I had said that I would make him," &c.

186, fifth line from top, *grass* instead of "grape."

289, third line from bottom, "loose" should be *lose*.

337, ROBERT DICKSON should be JOSEPH DICKSON.

L. C. D.

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REPORT
OF
JOINT SELECT COMMITTEE,
OF THE
SENATE AND ASSEMBLY.

APPOINTED "TO INVESTIGATE THE OFFICES OF THE STATE TREASURER, THE SECRETARY OF STATE, AND SCHOOL AND UNIVERSITY LAND COMMISSIONERS, AND TO CARRY SUCH EXAMINATION BACK TO THE COMMENCEMENT OF OUR STATE GOVERNMENT,"

REPORTED TO THE

Legislature, at its Adjourned Session, September 12, 1856,

AND ORDERED PRINTED.

MADISON:
CALKINS & PROUDFIT, PRINTERS.
1856.

REPORT

JOINT SELECT COMMITTEE

OF THE

SENATE AND HOUSE OF REPRESENTATIVES

ON THE PETITION OF THE CITIZENS OF THE STATE OF NEW YORK,
IN FAVOR OF THE REPEAL OF THE ACT, PASSED APRIL 18, 1846,
IN RELATION TO THE LANDS BELONGING TO THE STATE,
AND TO THE LANDS BELONGING TO THE STATE OF NEW YORK,
IN RELATION TO THE LANDS BELONGING TO THE STATE OF NEW YORK,
IN RELATION TO THE LANDS BELONGING TO THE STATE OF NEW YORK.

ALBANY: 1846.

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1846.

REPORT OF INVESTIGATING COMMITTEE.

The joint committee of the senate and assembly, appointed "to examine the books in the offices of the state treasurer, the secretary of state, and school and university land commissioners, and to carry such examination back to the commencement of our state government, respectfully report that they have made a full, thorough and careful examination of the books and papers of the several offices above mentioned, relating to all transactions prior to January 1st, 1856, and have taken such testimony as they could obtain, relevant to the subject matter of investigation.

From the time of the appointment of the committee in February, to the close of the session of the legislature, the last of March, but little progress was made in the investigation, on account of the inconvenience arising from the fact, that the books of the school land office were required to be kept most of the time in the office during the hurry of business, and also, from the fact that no convenient room could be obtained for the accommodation of the committee, until after the adjournment of the legislature.

As soon, however, as the session closed, the committee employed as many clerks as could be employed to advantage on the work, with a view to prosecute the investigation with as much dispatch

as would be consistent with the proper discharge of the responsible duty imposed upon them by the legislature.

The amount of manual labor required to be performed to enable your committee to examine fully all the books of the several departments has been very great. It was found necessary to transcribe all the sales books in the school land office, in order that we should have our own books to work from, and it was also found necessary to recast the interest on all sales of lands for each year, from the time of purchase to January, 1856, in order to ascertain with some degree of certainty the amount of money paid into the treasury arising from the sale of school and university lands.

Owing to the loose and careless manner in which the books in the offices of the treasurer, and school land commissioners have heretofore been kept, the prosecution of this investigation has been greatly retarded—the labors of the committee much more onerous, and the time necessarily expended much more extended than it would have been, had the books been kept in a correct and systematic manner.

In the school land office in particular, the books are disfigured and defaced with erasures of names and figures, and other names and figures substituted with interpolations, remarks and alterations which in many instances rendered it impossible to ascertain either the original entries, dates, or the amount of principal and interest originally paid.

The entries in the journal of the treasurer were made without any regularity of date. Entries being made for instance, first as late as July or August, going back to January of the same year. This confusion of dates increased to a great extent the amount of labor necessary to be performed. The vouchers of the treasurer were also found in great confusion. There was no arrangement either of name or date, but they were thrown into one confused mass. These, extending through a period of eight years, had to be arranged and compared with the corresponding entries

on the journal of the treasurer. Many of the vouchers are missing and many of those laid before the committee as vouchers were rejected because they offered no evidence of the payment of money to any person. A list of missing and rejected vouchers is hereto annexed, marked "B."

The rule adopted by the committee in relation to these vouchers in connection with the settlement of the treasurer's account, was to allow the treasurer credit for all appropriations which have been made by the legislature, even though there should be no voucher, or only a defective one for the payment.

It may be proper here to call the attention of the legislature to a practice which has prevailed to some extent, arising out of the present defective system of auditing accounts against the state.

The practice alluded to is that of the auditing officers—the secretary of state or his assistant, after auditing and allowing accounts, drawing and receipting the amount of the same for the persons to whom it purports to belong. This practice is liable to gross abuse, and should be corrected at once. It appears that money has been drawn from the treasury in several instances without authority of law. The legislature of 1855 refused to make any appropriation for the payment of clerks in the school land office. It seems by the testimony of Messrs Janssen and Seaver, that after the adjournment of the legislature, the secretary of state, Mr. Gray, and the attorney general, Geo. B. Smith, made an arrangement, authorizing Walter H. Besley to draw on the treasurer for the sum necessary to pay the salary the clerks.

Mr. Besley, in accordance with this arrangement, drew his order on the treasury, and overdrew the amount due the clerks in the sum of nine hundred dollars, or thereabouts. (See list marked "A.")

It would seem from the testimony of Mr. Janssen that this arrangement was made in his absence, with Mr. Seaver, the assistant treasurer, and that the amount overdrawn has never been refunded by Mr. Besley. It is however but right to state that Mr.

Besley denied this when before the committee, and stated that he had settled his account with the treasurer, and had a receipt in full from him, which he promised to the committee to produce before them, but he did not do it.

It will be seen moreover, by the testimony of Messrs. Habich, Seaver and Halpin, that the state officers and clerks were allowed to take money from the treasury in anticipation of their salaries, leaving no other evidence of indebtedness than a slip of paper, upon which was written "good for — dollars," mentioning the amount taken, and signing their names to it. Mr. Halpin also testifies that Seaver has frequently lent him money from the treasury on his own due bill. To what extent this practice has prevailed your committee has not been able to ascertain. It appears by the statements of Janssen, Seaver and Mr. Kuehn, the present state treasurer, that after the defalcation of Janssen was discovered, Gov. Barstow gave Janssen his note or due bill, payable to Mr. Kuehn, for seven hundred and twelve and 92-100 dollars, which was received by Mr. Kuehn as cash, and placed to the credit of Janssen.

There seems to be some difference of opinion between Janssen and Seaver as to the consideration of this due bill. Janssen swears that it was given for lands purchased by W. H. Gleason, but Seaver thinks it was given for money had on "slips" or "goods" from the treasury, and for the payment of money due on school lands bought in the name of Peter G. Jones and Wm. H. Gleason at the November sales of 1855. Gov. Barstow also makes a statement in relation to this transaction, which is herewith submitted.

Subsequent to the first examination of Mr. Seaver before the committee, and after the statement of Gov. Barstow was made to the committee, Mr. Seaver requested that he might be re-examined. On his second examination, as will be seen by his affidavit hereto annexed marked "2," he thinks that this due bill was not given for lands purchased by Gleason.

Your committee would also call the attention of the legislature to another reprehensible practice which prevailed in the treasurer's office, in the acceptance of drafts by the treasurer drawn by parties either having an appropriation or in anticipation of one. Under this system mistakes have doubtless occurred, by the payment of both the acceptance and the appropriations.

It would appear that in this way an overpayment was made to Schœffler & Wendt of eleven hundred dollars,* and to Mr. Fratney of Milwaukee, five hundred and fifty dollars.

Mr. Seaver seems also quite positive that he overpaid Andrew Proudfit one thousand dollars, but Mr. Proudfit, as will be seen by his testimony, is as confident that Mr. Seaver is mistaken.

The treasurer also paid Beriah Brown three thousand dollars without any authority of law, on the certificate of the secretary of state that Brown had done work to that amount.

Among the vouchers in the office of the treasurer, the committee found an engraved draft and acceptance of which the following is a copy :

"JOHN WARREN HUNT.

Madison, Wis., 23d Oct., 1855.

On the fifteenth of December next, at State Bank, pay to the order of Andrew Proudfit, five hundred and forty-eight dollars 50-100, value received.

JOHN W. HUNT.

To the Treasurer of Wisconsin, Madison, Wis."

Across the face of the draft is written "Accepted, E. H. Jansen, State Treasurer, by D. M. Seaver, Ass't."

This draft is endorsed by Andrew Proudfit in blank, and from the fact that it was among the vouchers in the office, the presumption is that it was paid at the treasury. There is no amount on the treasurer's book corresponding with the amount of the draft,

* It would be proper to say that Mr. Schœffler states that this firm has never had any more money than was lawfully appropriated.

and the committee are satisfied that it never was entered on the books. Mr. Proudfit stated to the committee that he had no recollection of the circumstances, in relation to it. Dr. Hunt in his testimony says that this draft with two others of the same kind in all amounting to about \$1300 were accepted as payment for that sum, which was due Mr. Halpin on appropriations, and that the sum for which the drafts were accepted was included in a receipt given by Halpin to the treasurer for the sum of \$2,875 at the time the drafts were made.

The testimony of Mr. Habich, who was a clerk in the office of the state treasurer, while Mr. Seaver was assistant treasurer, gives some idea of the manner in which the business of the office was conducted, and taken in connection with the statement of Mr. Halpin and Mr. Martin, shows that while Mr. Janssen was absent from Madison, called home by the sickness of his family, Mr. Seaver, who was under no bonds for the faithful performance of his duty, was not only grossly inattentive to the duties of the office, but that his habits were such as totally unfitted him to discharge them. It seems that he was frequently found in the office in a state of intoxication, with the doors of the vault open. Sometimes other persons not connected with the office were with him—that upon two occasions he went into the office in the night time and opened the vault. That on another occasion he was found in the vault with another person looking at the money, both of them intoxicated.

These things were well known to persons about the capitol. And it seems moreover that there was reason to suspect, from what was publicly said in the streets, that on one occasion when Mr. Seaver went into the vault of the treasury at night, on that same night he lost several hundred dollars at the gaming table. It was also known that liquor was kept in the vault. It is a matter of utter astonishment that such a state of things should have been permitted to continue for a day, and the question which naturally presents itself to every person is, was there no one to

exercise any authority in this matter? No check to the gross and improper conduct of one who had the sole charge of the monies of the state? It seems to have been known to several of the witnesses that Mr. Seaver was in the practice of speculating in school lands, in direct violation of law, which precludes the commissioners of school and university lands from purchasing any of said lands, either in their own name or in the name of any other person. (See sec. 54, chap. 24 R. S.)

It may be said that Mr. Seaver was not a commissioner, yet he was acting as commissioner, and the reason and policy upon which the law was founded, would preclude him, and all the clerks, in the school land office, as well as the commissioners. The principal object of the law was, unquestionably, to prevent persons having ready access to the books taking advantage of their position to the injury, and exclusion, of those who might desire to purchase land for their own use. And yet, if the testimony of Messrs. Janssen, Seaver, Powers, Habich, Halpin and Byrne is to be believed, not only the spirit but the letter of this law has been constantly violated. Mr. Byrne admits, in his examination, that he was in the habit of using the name of Mr. McKinnon in entering school lands, and asserts that he did it by permission of the attorney general. Mr. Besley admits that he entered lands for his own use in the name of Daniel Howell. Mr. Seaver swears, that Dr. Hunt, assistant secretary of state, was in the habit of entering land in the names of E. H. Gleason and Chandler, and that he has seen Chandler assign over certificates to Hunt. Dr. Hunt contradicts this statement of Mr. Seaver, so far as it relates to himself, under oath, as will more fully appear by his affidavit. Mr. Daniel Howell and E. H. Gleason both swear that they authorized no person to use their name in these entries, and had no interest whatever in the lands. It will be seen by the annexed list of entries of school land, that large quantities of land have been entered in the name of Mr. Howell, E. H. Gleason, Mr. McKinnon, Mr. Chappell, and Mr. Chandler, which shows in some degree

the extent to which this system of fraud has been carried. There are other names which have undoubtedly been used in this way, quite as extensively, but the committee could not without great expense and delay bring the witnesses before them. The wisdom of the law which intended to prohibit these transactions will not be denied, when their legitimate fruits are laid before the people of the state.

It was unquestionably the practice, as appears from the testimony of Charles Huggins, of some persons in the office of the commissioners to mark land "sold" or "reserved from sale" to enable parties interested in the purchase, to explore and examine them before the purchase was made, thus affording those in the office, or such of their friends whom they might desire to favor, not only a great advantage over outsiders, but investing them with an arbitrary power which was used to the direct injury of those who may have applied for those lands before the purchase was consummated. This matter was presented to the attention of the committee by the appearance in several instances of marginal notes on the sales books in pencil, to the effect that the lands opposite which the note was made, were reserved from sale for the accommodation of the person named. As an instance, we will mention that on the sales book, in the office of the commissioners of school lands, opposite sections 21 and 22, in town 25, range 18, in the county of St. Croix, there is an entry in pencil, which Mr. Habich thinks is in the hand writing of Daniel Seaver, in the following words, viz: "To be kept for Wm. A. Barstow." This land was subsequently purchased in the name of Augustus Story, in February, 1854. The book on which the entry is made to Story, was copied from a book of previous date, and opposite his entry, in pencil, rather indistinctly, written also in pencil, "Kept for W. Brewster." There must have been a difference of some months between the first entry in pencil, and the date of the entry of Story's name on the books, for the first book was opened in 1851, and this land

must have remained on the books a long time before the entry of Story's name. It will also be seen that Mr. Frary, a clerk in the school land office, testifies that in March, 1855, while the bill limiting the amount of school lands to be sold to any one person, was pending in the legislature, and before its passage, he took pains to mark some of the lands now standing on the school land books "sold to Daniel Howell," as sold to him at that time, and that he did so by direction and under the authority of persons who had the power to direct him, but declined to state which of them gave him those directions.

It is apparent that entries of names were frequently made on the sales book originally in pencil, and afterwards the same name entered in ink. The object of this becomes apparent after reading the testimony of Captain Huggins, who was for some time a clerk in that office.

By the sales book it appears that on the 1st day of May, 1854, James Ludington purchased the 16th section, in town 23, range 22, in Brown county, at from ten to fourteen shillings per acre, and \$1 83 added on each lot for expense of appraisal. Upon this purchase Mr. Ludington paid ten per cent of the purchase money, and the interest to January 1st, 1855, amounting to the sum of \$150 40, leaving unpaid \$880. On the 8th day of January, 1855, while the certificates of Ludington were still out, uncanceled and unrecalled. Mr. W. H. Besley, chief clerk in the school land office, purchased the same land, in the name of Daniel Howell for twelve and one half cents per acre, and \$3,86 on each lot for expenses of appraisal, making the whole purchase money for the section \$141,76, upon which sale, certificates issued to Daniel Howell, and upon which there purports to have been paid by the sales book eighty three cents per lot, and interest to January 1st, 1856, but upon which there does not appear by the books of the treasurer and secretary of state to have been anything paid. By the patent book it appears that on the 14th day of September, 1855, a patent for the whole of this same section, issued to W. H.

Besley, without the payment of a dollar, and while thirty two certificates were out and uncanceled, and while Ludington, or the holder of his certificates was still paying interest on the purchase money for this same land. Here was a direct and palpable violation of the law, by a person holding a responsible position in the school land department. Section 24, of chapter 24, of R. S. provides, that when full payment shall have been made for any such lands, as required by law, and the purchaser, or his legal representatives, shall produce to the commissioners the duplicate certificates of sale, with the receipt of the state treasurer endorsed thereon, showing that the whole of the principal and interest due thereon has been paid, and that the holder of said certificate is entitled to a patent to the lands described therein, the original and duplicate certificates shall be cancelled, and a patent from the state for the land described in such certificate, shall be issued by the commissioners, to the person or persons entitled thereto; which patent shall be signed by the governor, and countersigned by the secretary of state, and the great seal of the state thereto affixed.—

Sections 32 and 33 of the same chapter provide that whenever a person shall desire to purchase any land. he shall make application to the secretary of state, in writing, for the lot or tract which he proposes to purchase, and that the application shall be filed in his office.

The secretary of state shall then enter on a book to be kept for the purpose, a note of every such application, specify the day when made, the name of the applicant, and the description of the lands applied for, and shall also give to such applicant a memorandum stating such application and describing the tract or lot of land specified in his application, and stating the price, at which the same may be sold, and the amount to be paid at the time of sale, which memorandum shall be signed by the secretary. The applicant shall then produce such memorandum to the state treasurer, and pay to him such sum as shall be required by law to be prepaid.

The treasurer shall then give a receipt therefor to the applicant and shall make out, execute and deliver, to such person a duplicate certificate of sale, in which he shall certify the description of the land sold, the sum paid, and the amount remaining due thereon, and that if it shall be duly discharged, the purchaser or his assignee, shall be entitled to a patent for such land, and the original and the duplicate certificate shall be properly numbered, and signed by the treasurer, and countersigned by the secretary of state, and the original shall be filed and recorded in the office of the said treasurer; and no certificate unless the duplicate shall be so signed shall be valid in law. Section 36 provides that upon presentation to the secretary of state, of the duplicate certificate, and the receipt for the purchase money required to be prepaid, he shall countersign and deliver the same to the purchaser, and make a note thereof in the book of entries stating the sum paid, and the amount of purchase money due.

Section 38 of the same chapter provides that upon countersigning the receipt or other writing, the secretary shall charge the treasurer, with the amount received by him as therein mentioned, and shall enter the name of the person paying the same, the number of the certificate upon which the amount shall be paid, and the time of payment. It will here be seen that the legislature endeavored to guard closely against the improper issue of certificates and patents, without the prepayment of the amount required by law.

Section 10, of chapter 24 R. S., provides that not less than ten per cent. of the purchase money and interest on the balance from the date of purchase, to the first day of January next following shall be prepaid, on all school and university lands sold. This law has been repeatedly violated by the issue of certificates to clerks in the office, and others without the payment of any portion of the amount required by law. Mr. Besley admits in his testimony that he did not pay for the patent which was issued to him for sec. 16, town 23, range 22, but he says that he knew nothing of the previous sale of this section to Ludington.

This is very strange when he was chief clerk, and had frequent occasion to examine and refer to the books in the office.

It will be seen by his testimony, that he states that at the time Ludington purchased this section it had not been appraised, and that it was not appraised till sometime in 1854.

That he examined the books and papers in the office, and could find no other appraisal of the land than that at one shilling per acre. It is rather remarkable that in his examination of the books and search for the appraisal, he should not have found that the whole section had already been sold to Ludington, at an appraised value of from ten to fourteen shillings per acre.

The committee find a small book without any verification, oath or certificate, or even signature purporting to be an appraisal of this section at one shilling per acre. Had this appraisal been sworn to, and certified according to the provisions of the statutes, it would have been void as to this land, for section 11 of the act approved March 15, 1852, providing for the appraisal of school lands in counties therein named, is as follows, viz :

“No lands mentioned in this act shall be appraised, or sold at a less sum than one dollar and twenty five cents per acre.” And the act approved March 19, 1853, “an act in relation to school lands,” provides, that all school or university lands that shall remain unappraised, shall be appraised in the manner provided by the act approved March 15th, 1852. It follows then, that the pretended appraisal of 1854 at one shilling per acre was void, not only because there is no evidence that the appraisers were sworn, and that the appraisal is not signed or certified, but because it was a flagrant violation of law. And it would seem that there must have been an appraisal of this section previous to the purchase of Ludington, else how could the figures have been obtained for which it was sold to him ?

These figures are \$51 83, \$61 83 and \$71 83 opposite each lot, the \$1 83 probably added as usual to the appraised value for expense of appraisal. Mr. Willans, a clerk in the office, in his

testimony says, that the fact of the figures being there and being carried out opposite each lot, is evidence that it had been appraised, for they only could have been obtained from the appraisal. On the sales book they are put down under the usual heading "appraised value," May 1, 1854, the date of the Ludington purchase. This appraisal cannot be found, and was probably destroyed. At all events, it is somewhat remarkable that Mr. Besley who, from his position as chief clerk in the office of the commissioners of school and university lands, might be supposed to have some regard for the best interest of the school fund, should have been willing to enter this land for his own use at one shilling per acre, when it had already been sold for twelve times that amount.

The committee recommend that the patent (709) and the certificates to Daniel Howell for this section, numbered from 192 to 207 both inclusive be recalled and cancelled.

In connection with this subject it may be as well here to allude to the manner in which the business of the office of the commissioners has been conducted. The testimony of Messrs. Powers, Seaver, Byrne, Habich and Hugins shows, beyond a question, that the whole business of the office was transacted not only without system, but in a grossly careless and negligent manner, and without regard to law. By the law as heretofore cited, it seems it was the intention of the legislature that the countersigning of the certificates by the secretary of state, should be a check upon the issue of certificates without pre-payment of the amount required by law. But it appears that the secretary of state, attorney general and treasurer were in the habit of signing large quantities of certificates in blank, and leaving them in the hands of the clerks in the school land office to be filled out as occasion might require.

These certificates after being signed and countersigned in blank were left in the office where every one had access to them; they were not even locked up. For the purpose of enabling par-

ties holding these certificates to have them recorded, the law provides that they may be acknowledged.

The clerks in the office were in the constant practice of filling out the certificates of acknowledgment and signing their names as notaries, without their having been acknowledged by either of the commissioners. Mr. Byrne, a clerk in the office says, that it was customary, while he was there, to deliver certificates of school lands to certain parties on their promising to settle with the treasurer for them, and that they had no means of knowing whether they were paid for. He moreover says that clerks employed in the several state departments usually kept a deposit with the treasurer to meet any amount which might be due for certificates taken by them, and that they usually took their certificates and said they would settle with the treasurer for them, but he did not know whether they did so or not.

It cannot be a matter of surprise that under such a state of things, with such practices prevailing, in express violation of law, there has been a large issue of school land certificates, upon which nothing has ever been paid. This is the case with many of the certificates issued in the names of Daniel Howell, Wm. Chappell and E. H. Gleason, in which land it appears, the clerks and some of the acting commissioners were directly interested. It will be recollected that the certificate specifies the amount paid, and is in the hands of the holder, an acknowledgment on the part of the state that the amount required to be prepaid with the interest to the following January has been paid. The subsequent interest upon many of these certificates has been paid, and many, if not all of them are now undoubtedly held by bona fide purchasers, without notice of their fraudulent issue. It will be an important question for the consideration of the legislature as to the action to be taken in relation to them. They were issued in violation of law, but the subsequent holders had no means of knowing that fact, as they were fair upon their face. The amount of loss to the school fund arising from this source is (\$16,245 94) sixteen thou-

sand two hundred forty-five and 94-100 dollars, as will more fully appear from the table hereto annexed marked "G."

While it appears from the testimony, that the rule of the commissioners in relation to enforcing the payment of penalties was in accordance with the requirements of law, which provides that in case of a failure to pay interest on a loan, or on money due on sale of school lands within the time specified by the statute, the party so failing shall forfeit and pay to the state five per cent of the principal sum due, there appears a large deficiency in the treasury, arising either from the non-payment of these penalties, or from the amount collected not having been entered on the treasurer's books and credited to the state. The amount of loss to the school fund from this source is twenty-three thousand six hundred and seventy-eight 77-100 dollars, which will more fully appear in the accompanying table marked "K."

It is said by some of the clerks in the office that it was not unusual in the hurry of business for persons, desiring to pay interest near the expiration of time prescribed by law for the payment, to make a deposit of money with the treasurer, for the payment of the interest due, and that the receipts were made out subsequent to the expiration of the time. This may have been so; but the committee was governed by the books of the treasurer, presuming that they were correct as to the dates. It would have been an easy matter to have made the time of payment appear on the books, if the payments had been made in time.

The practice of making deposits is one under which the law might easily have been evaded, and should not be allowed in any case.

The filling out of a blank receipt could occupy but little more time than taking the deposit and putting it in the vault. In some cases which come to the knowledge of the committee, the penalty was paid by the party, but no entry of the amount was found upon the treasurer's books.

This was so in the case of Andrew Proudfit, where it appears

a penalty attached of some twenty-five dollars, which was not found credited to the school fund, but which he says he paid, and for which he took a receipt from the treasurer, or his assistant.

The committee could not take testimony from all the parties from whom it appeared that penalties were due, they could only be governed by the books.

The books in the office of the commissioners show that these penalties attached, and that the parties were liable for them, but the amount is not found on the books in the treasurer's office, nor is there any evidence that it was paid, except the presumption arising from the testimony of Messrs. Janssen, Besley and Keuhn which goes to show that the practice was to enforce payment. There is no doubt in the minds of the committee that penalties to a large amount attached for the non-payment of interest on sales of school land, in which some of those engaged in the several offices of the state departments as clerks, were interested. Whether paid or not, in either case, the loss to the school fund is the same. Mr. Janssen in his statement before the committee swears that he received of Mr. Byrne in February 1856, the sum of \$407,-81 on stubs which had already been entered on the treasurer's book and charged. This was for interest and principal required by law to be prepaid, on lands purchased long before the time they were paid for, as appears by the date of some of the stubs (others of them were not dated) and may have been for certificates issued the year previous. Mr. Janssen thinks, as the amount of these stubs had been charged to him on the treasurer's books before the payment by Byrne, that other amounts have been charged in the same way and never paid.

It may be so and probably is, but there is no way of ascertaining the amount. So long as the clerks were permitted to engage extensively in buying and selling school lands by those to whose care the people had entrusted them, these frauds were to have been expected, and are the direct result of the allowance of such practices.

After Mr. Byrne had been once examined by the committee in relation to the entry of lands by himself and others, Mr. Geo. B. Smith, the former attorney general, requested the committee to permit Mr. Byrne again to appear before them, and explain his former testimony. As Mr. Byrne also expressed a desire to be again heard, the committee re-examined him, as will appear by his affidavit herewith submitted, marked "2." In the first affidavit he stated that the attorney general gave him permission to enter lands. In the second one, he says that while he was a clerk in the office, he had permission from all the commissioners to enter school land. That subsequently, the attorney general found he had entered a large quantity, and objected to it, and told him he ought not to have bought so much; and said that when he, Byrne, asked permission to buy, he supposed he only wanted to buy 160 or 320 acres. Mr. Byrne then told Smith that he had a perfect right to buy school lands, and if the commissioners considered it wrong or inconsistent with his duty as a clerk, he was willing to be discharged.

Mr. Byrne says that after this, he was permitted to retain his position in the office, more than a year. Mr. Frary also stated that the clerks entered land by permission of the commissioners.

The fact that the attorney general objected to the entry of lands by Byrne is evidence of the view which he took of the impropriety of his so doing, under the law prohibiting the commissioners of school and university lands from purchasing any of said lands. His view undoubtedly was, that the agents or clerks had no right to do what the commissioners could not do.

And as the attorney general knew that Mr. Byrne had been guilty of entering large quantities of land, it is certainly remarkable that he was retained in the office, especially as Mr. Byrne intimated to him that he should continue to violate the law, which he did do by subsequently entering more land. This not only brings home to the commissioners a knowledge of these trans-

actions, but shows a willingness on their part that they should be continued.

It will be seen by the testimony of Mr. Powers, Gen. Wm. R. Smith, and Mr. Keuhn, that allusions are made to a certain letter written by some one in the city of New York, to Mr. Besley, in relation to school land certificates. This letter was found in a desk in the school land office, and was placed in the possession of Mr. Powers, for the use of the committee, by Gen. Smith, as will be seen by his testimony. But Mr. Powers unfortunately permitted Mr. Besley to take the letter after it was deposited with him. Mr. Kuehn thought that Mr. Janssen took a copy of it, but Mr. Janssen says it was another letter which he copied.

The committee could not therefore avail themselves of the information which this letter would have afforded them in relation to the illegal issue of certificates, except as they could gather its contents from those who had read it. It seems from the testimony of Gen. Wm. R. Smith that the letter was addressed to Mr. Besley, from some one in New York, upon the subject of school land certificates. That the general purport of the letter was, that there was some organized club or company for the purpose of entering school lands or purchasing certificates, in order to sell the same again in New York, or elsewhere, and that the writer was an operator for the company or club, and that some person under a disguised name in the letter was in New York, and that another person under a disguised name was either in Madison, or was expected to come from Madison to New York.

An indication was also given that certificates should be sent on, as it was a good time to operate.

If the testimony of Mr. Janssen that the money due on a great deal of land sold was never paid, which is also found to be the fact by an investigation of the books of the treasurer, and that the other commissioners, and the clerks in the school land office, were interested in the purchasing of these lands, and the testimony of Mr. Frary that Chas. I. Kane & Co., of New York, were

agents for the sale of school land certificates, and that certificates were sent to them for sale, and also the testimony of Mr. Seaver that many certificates, after being signed by the commissioners and filled out by the clerks, were put into the market and "sold like any other property," and some of them sent to New York, be considered in connection with this letter, and with the fact that every facility was afforded by the commissioners to clerks, and others, to enter land, fill out the certificates, and take them from the office without payment, and that Besley was frequently absent in New York, it does not leave room to doubt that an extensive business has been carried on, under the eyes of the commissioners, between the school land office and some well organized association outside, in disposing of school land certificates, resulting in the loss to the school fund of this state of a large amount of money.

It is but justice to Mr. Janssen, to say, that according to the evidence of Mr. Habich, who was a clerk in the treasurer's office during Mr. Janssen's incumbency, he was absent from Madison for a long time, called home and detained there by severe and prolonged sickness in his family, leaving the business of the treasury in charge of Mr. Daniel Seaver, the assistant in the office; and it appears moreover, that when Mr. Janssen was at Madison, he was seldom or never consulted by the other two commissioners, Messrs. Smith and Gray, in relation to the affairs of the school land office, but the latter consulted together, and took the sole management of matters upon themselves. It is true this does not relieve Mr. Janssen of his legal responsibility, or excuse him for not asserting the prerogatives of his office, the proper and legitimate exercise of which might have proved a barrier to these enormous frauds, or for the want of that care, prudence and discretion which the responsibility of his office imposed upon him. The fact alone that he permitted Mr. Seaver to take charge of the business of the treasury department, without giving any bond for the faithful discharge of the duties of his office, is a proof of gross and inex-

cusable negligence. This, however, affords no excuse to the other commissioners for taking advantage of Mr. Janssen's misplaced confidence in Mr. Seaver. Mr. Janssen says that he was absent when the attorney general and secretary of state made the arrangement to have Mr. Besley draw money from the treasury for the payment of the clerks, and that the arrangement was made with Mr. Seaver. The commissioners had no more right to make such arrangement than any other individuals would have had. No appropriations had been made by the legislature for the pay of the clerks, and if the commissioners could draw without authority, eight thousand dollars from the treasury for one purpose, they could in the same way draw one hundred thousand for another.—For this amount Mr. Janssen is liable, and it will be for the legislature to say what course shall be pursued in relation to it.

This amount is eight thousand, six hundred and twenty-eight and 70-100 dollars. Mr. Frary, in his examination, admitted that while a clerk in the office, he entered a large amount of school land, with the permission of the commissioners, and says Messrs. Besley and Byrne did the same. He says moreover, that the commissioners knew that he was doing so, from the fact that by a mutual understanding between themselves and the clerks, they received no fees on land entered by the clerks, and that they sometimes complained that they were losing too much fees. This only confirms the testimony of Mr. Byrne in relation to the complication of the commissioners in these transactions.

Mr. Frary also states that some of the Howell certificates were left with him to be sold on commission, and some were sent to New York, but was unwilling to state the name of parties for whose benefit they were to be sold.

It appears from the record of sales of forfeited lands that some of the clerks in the office were in the habit of entering these lands immediately upon the occurrence of forfeiture.

Mr. Byrne admits that he was in the practice of doing this. The advantage thus given to the clerks could only work to the

serious injury of every person who might desire these lands for other purposes than speculation. In many of these cases no fees were charged for advertising, nor was the whole of the back interest included as the law requires, leaving the amount a charge upon the school fund.

In some instances of re-sale of forfeited lands, they were bought by the original purchaser, at even less than the amount for which they were first sold, thus making it an object for purchasers to forfeit their land. As an instance to illustrate this, we will cite the case of George Reed, of Manitowoc county. In 1854 he forfeited fifty-two lots, and re-purchased them. Some of these lots were appraised at sixty dollars, and sold to him at the appraisal, he re-purchased them at fifty dollars per lot. The law provides that when land shall be forfeited, it shall not be re-sold for less than the amount of the original purchase money, the interest due, and the fees and expense of the re sale. This law has been repeatedly violated. Section 9, chapter 24 R. S. provides that no person shall purchase more than one hundred and sixty acres of school and university lands at any public sale of such land. No regard has been paid to this law. It has been constantly evaded by the use of other names by the party making the purchase by a system of forfeiting bids, made in the names of fictitious persons, and subsequently entering the lands by application, and also by its open violation.

On the sales sheets used at the sale of lands in Outagamie county, the name of A. McNaughton appears opposite the description of one hundred and ninety-two lots, making over seven thousand six hundred acres. The act of March 5th 1855 provided that no lands shall be entered by any person, unless the applicant should file an affidavit stating among other things that the said applicant does not own or hold in his own name, or in the name of any other person for him any quantity of school or university lands which together with those he applies to purchase will not exceed three hundred and twenty acres. Immediately

previous to the passage of this law, and while it was pending, large entries were made in the name of Howell, by the clerks in the office, and also by others, evidently done to evade the law, and prevent the object the legislature had in view, from being carried out.

This object unquestionably was to keep these lands from going into the hands of speculators, and to afford the actual settlers every facility to obtain them. More land was probably entered between the first and 6th days of March 1855, than at any other time before, within the same period of time. And the committee regret to see among the names of persons, who made these entries, those of some members of the legislature in which the bill was then pending, thus evincing a disposition to establish a just and equitable measure of public policy for the government of others, but by which they themselves were unwilling to be governed.

Upon an examination of the books and papers in relation to the appraisal of school and university lands, the committee find that many of the appraisals have been made contrary to law.—Section 2, on page 763 R. S., requires that the appraisers shall before entering upon the duties of their office be sworn, and that the oath shall be annexed to the appraisal and returned to the secretary of state, and section 7 of the same act required them to make a joint report in detail to the sec'y of state of all they have done. Many of the appraisals returned to the office have neither oath, certificate, report or even the name of the appraisers attached to them, or detached from them. In many instances there is no evidence whatever that the books or papers which purport to be an appraisal was made or intended to be made for that purpose. The whole amount of money expended for the appraisal and selection of school and university lands in the state, amounts to the sum of (\$35,568.47-100) thirty five thousand, five hundred and sixty-eight and 47-100 dollars. (See tables marked "L." & "M.") It will appear that ample provision was made by the legislature for the

selection of the 500,000 acre tract. (The amount for both appraisal and selection is entered in gross on the books, and the separate items could not be ascertained.) Notwithstanding this, much of this land was appraised at five, ten, fifteen and twenty cents per acre, showing either gross dereliction of duty, on the part of the appraisers, or those who were appointed to make the selections.

The average price per acre realized to the school fund, from the sales of the 500,000 acre tract which was supposed to be choice and selected lands is one dollar forty-two cents, while the average price per acre of the 16th section which were chance locations, has been two dollars seventy-four cents. It will be seen by the tables hereto annexed marked "E," that

The whole amount of the 500,000 acre tract sold is	..476,795.55-100 acres.
The amount unsold.....	2,110.24-100 "
Amount of the 16th section sold.....	503,717.47-100 "

The committee did not deem it necessary to prosecute inquiry to any great extent in relation to the manner in which the public sales of school lands have been conducted, as this branch of the subject was pretty fully investigated by a committee of the senate, appointed for that purpose at the session of 1855.

The committee would refer to the testimony taken before that committee, and also to the testimony of Daniel Seaver, to be found in his affidavit herewith submitted, in reference to the Waupacca sales. There is no doubt but that the practice prevailed generally at these sales of making false bids, and then forfeiting the same.

The commissioners then re-offered the lots upon which the bids were made, so early the next morning after the sale that no opportunity was afforded to bona fide purchasers to bid upon them. Some of the lots were not re-offered at all, and they were then left subject to the private entry of speculators.

It will be seen at once, that these practices were not only a violation of law, but they tended directly to the depletion of the

school fund, for many of those who desired to purchase these lands at the sale were farmers who were willing to pay more than the appraised value, as they wished to obtain them for purposes of cultivation. There must have been collusion between the commissioners and persons making these bids, or the commissioners would have re-offered all the lands in compliance with the law, at some suitable hour, and on such notice as the law contemplated. In the course of the examination of witnesses it also appeared that it was not unusual to allow time for the payment of the amount required by law to be prepaid, on the purchase of these lands at the public sales, and in many instances the amount was not paid until some time after the return of the commissioners to Madison, and in some instances it will be seen no payment whatever was required.

The committee did not deem it necessary to make any very minute investigation in relation to the large sale of school land to James Ludington in May 1854, as this matter also was the subject of investigation by the legislature in 1855.

It is, however, but proper to state that Mr. Ludington, on the 18th of April, 1854, made application for all the unsold school lands in this state. That it appears from a memorandum signed by the secretary of state, dated July 3d, 1854, written on the same paper containing the application, that the application of Ludington having been made under the impression that the unsold school lands of the state did not amount to more than 70,000 acres; by the consent of the commissioners the same was withdrawn, and a new application was made for a portion of the lands. On the 1st day of May, another application was filed in the office by him, for all the lands embraced in a list, accompanying the application, which list contains descriptions of nearly 1500 lots, being about 57,000 acres. There was no provision of law at that time limiting the amount of land which might be entered by any one person.

But the evidence of James Halpin and Dr. Hunt discloses a

suggestive and somewhat remarkable fact in relation to this sale to Ludington. It seems that Seaver, who had charge of the treasury department at that time, went to Milwaukee and had an interview with Ludington, the result of which was this application for all the unsold school lands; and that Seaver received from Ludington a transfer of two thousand dollars of stock in the Bank of the West, which he, Seaver, said he made clear, out of the transaction. The impropriety of a state officer, or any one in the employ of the state, receiving money under such circumstances is evident to every one. It is the manifestation of a mercenary disposition, which totally unfits the recipient from holding any office of trust, and will inevitably lead to corruption, dishonesty and fraud in the business transactions of the state.

In connection with this matter, it may be as well to allude to the testimony of Messrs. Ludington and Chapman, in reference to the amount required by law to be prepaid upon the certificates issued to Ludington on this purchase. These gentlemen both swear that they paid the whole amount called for by the certificates, and which was due on them, which amount was \$13,845 05, and that this amount was paid to the treasurer or his deputy, according to a list and account attached to the affidavit of Mr. Chapman, marked "C." The whole amount with which the treasurer has charged himself on account of monies received from Ludington or Chapman on the purchase, is \$10,189 70, making a difference of \$3,655 35, against the school fund; of this latter amount, there is no account whatever on the treasurer's books, and the books of the secretary of state agree with those of the treasurer within one dollar and ninety cents. On the certificates issued to Ludington for that part of his purchase of lands lying in the county of Iowa, there was due on delivery of the certificates on account of principal and interest, the sum of \$2,266 49, which he swears that he paid, but the only credit to the school fund for lands sold him in Iowa county on the books of the treasurer, is \$14 24-100. Unless Messrs. Ludington and Chapman are mistaken, and they swear

positively to the fact, the whole amount due on certificates delivered to them was paid to Seaver. And this amount of three thousand six hundred and fifty-five and 35-100 dollars, must be added to the cash deficit of the treasurer; see statement marked "H." In the same connection we may allude to the testimony of N. W. Dean. On the 15th day of May, 1854, he purchased 1588 69 100 acres of university land, in Green, La Fayette and Iowa counties, upon which purchase certificates of sale were issued and delivered to him. He swears that at the time of the purchase he paid the assistant treasurer the sum of five hundred and seventeen and 92-100 dollars as part of the purchase money, and one hundred and ninety and 98-100 dollars interest on the balance of the purchase money to the 1st day of January, 1855, making in all the sum of seven hundred and eighty and 10-100 dollars paid into the treasury at the time of said purchase. Not a dollar of this amount is credited to the university fund on the treasurer's books, and this amount also must be added to his cash deficit.

By reference to table marked "G," it will be seen that fifty-six patents have been issued for the lands therein described, which are marked "paid in full" upon the sale book, but upon which there is yet due by the treasurer's books the sum of fifty-nine hundred 61-100 dollars.

This amount is a total loss to the school and university fund, unless the commissioners are liable to the state for the amount.

A voucher was found in the treasurer's office for the sum of four hundred dollars, being a receipt given by Lyman Cowdry, special agent for the collection of fines in Walworth county, from a memorandum, upon which it appears that Mr. Cowdry collected of the clerk of the circuit court of Walworth county, \$300 for fines and \$100 for tax on suits, that he retained \$120, and paid \$280 into the treasury. The amount of \$100 tax on suits, he had no legal right to receive, he being appointed only to collect fines, and there is now due from him to the state the sum of thirty dollars, and the balance \$70 should be transferred from the school fund,

into which it was improperly paid, to the general fund where it belongs.

It will be seen by the accompanying list of mortgages taken for loans marked "F.," that many of them are defective. The law requires that the attorney general as the legal counsel of the state shall examine all mortgages, title papers &c. in relation to loans, and if correct certify the same on the mortgage, before the loan shall be granted. Some of the loans were made without any such certificate, and the result is the security which the state holds for the loan is doubtful, or worthless.

In some instances the attorney general certifies it correct, when the mortgage is so defective that it cannot be foreclosed. In some instances there is no amount named in the note. Sometimes none in the mortgage. Some are not sealed, and some are not dated. In one case the note is for five dollars, while the loan is for five hundred dollars. There is no possible excuse for negligence like this. The people rely upon those whom they have elected for that purpose to exercise a strict and watchful care over a fund which they have ever regarded as sacredly devoted to the education of the youth of the state.

It will also be seen that many of the mortgages, were allowed to remain a long time in the secretary's office before being recorded, thus giving the mortgagor an opportunity to alienate the land upon which the security for the loan is based. In one instance, it appears that a portion of the land mortgaged was so alienated, and the deed was put upon record before the mortgage was recorded. This loan was made to John Nelson of Outagamie county. The date of the mortgage is September 24th 1855. It was not recorded until March 4th, 1856.

In some instances no mortgage can be found to secure the loan made, in others the same land is found to be twice mortgaged to secure two different loans. In many instances loans have been made to the same person for more than five hundred dollars, which is contrary to law. On the 30th of April 1855, on a sale of sev-

eral parcels of land mortgaged to the state as security for loans. Henry Quarles purchased said lands for which he received a patent, and then executed a note for eight hundred and twenty-five dollars, being the purchase money, and secured the same by a mortgage on only a portion of the land included in the patent, thus obtaining from the state a clear title to some of the lands, and paying for it with the land that belonged to the state. The mortgage was given on two separate parcels of land, one being in Marquette county, and one in Waukesha county. The mortgage has never been recorded except in the former county. For other irregularities mistakes and defects in the securities given for loans we would refer to the schedule herewith submitted, marked "F."

In order that the investigation should be thorough in relation to the securities given for loans from the school and university funds, the committee deemed it advisable to request the registers of deeds of the several counties in this state, to make out and transmit for the use of the committee, an abstract of all state mortgages recorded in their respective counties. In compliance with this request, returns were received from nearly all the counties. But three refused to comply—the registers of Iowa, Washington and Dane counties. Mr. Francis Ritchie, deputy register of the latter county, refused to comply with the request of the committee, without an advance payment of seventy dollars. The committee were obliged to send a clerk to the office to make the abstract required. These abstracts will be of great convenience hereafter, and will be deposited in the office of the secretary of state, with a corrected list of all mortgages belonging to the state, and also with the books containing the transcripts of all the sales of school and university lands in each county in the state. The committee have already alluded to the fact, of the clerks and others connected with the school land office, using the names of other persons without their knowledge, in the entry of lands. It will also be seen by the affidavits herewith submitted, that among the names so used are those of E. H. Gleason, Daniel Howell,

Wm. Chappell, John McKinnon and Rob't Chandler. The three former swear that they had no interest in the lands thus entered, and no knowledge that their names were being used for such a purpose. (See Table.)

The am't of lands entered in the name of Daniel Howell, is...					14,163 acres.
do	do	do	E. H. Gleason.....	6,620	do
do	do	do	Wm. Chappell.....	1,329	do
do	do	do	J. McKinnon.....	3,654	do
do	do	do	John A. Byrne.....	2,380	do
do	do	do	Robt. Chandler.....	1,160	do

Making a total of.....28,306 acres.

It will be seen by the affidavits of Robt. Chandler and Doct. Hunt, that the statement of Mr. Seaver in relation to Chandler's having assigned certificates to Hunt, in presence of Seaver, is contradicted. All the lands entered in the name of McKinnon, were entered by and for the benefit of John A. Byrne. By reference to tables marked (L) and (M), it will be seen that the whole amount paid for printing for the school and university land office has been \$8,221 77, and that there has been paid for books and stationery \$5,837 84, for appraising and selecting lands \$35,568 47. There was no necessity for this large expenditure. The whole expense of some judicious system would not exceed one-half the amount. The present system is not only expensive, but inconvenient. It is open to fraud and speculation. The whole system should be changed if the sale of school and university lands is to be continued.

Your committee are clearly of the opinion that great loss has been sustained by the school fund through the haste with which the school lands have been brought into market.

The lands generally having been situated in the new and uninhabited parts of the state, and surrounded by lands of the government, have seldom been appraised higher than ten shillings per acre, the government price. They have been brought into

market under low appraisments, and readily sold, on account of the credit given, whilst the lands of the government in their vicinity remained undisposed of.

Your committee would advise that the whole policy of the state should be changed in respect to the sale of these lands.

The wants of the educational interests of our state do not demand any material increase of the fund at the present time, as this fund is now much larger compared with the number of children to be educated, than it will be twenty years hence, under the most prudent management.

Your committee can see no great evil in the result of keeping the 16th sections, and all other school and university lands wherever located, now remaining unsold, out of market, until such time as the other lands in their vicinity shall be settled, and until the further withholding them from sale would be a serious obstruction to the settlement of the country. By adopting this policy, the school land could be sold at a greatly enhanced price.

The lands would be more likely to fall into the hands of men who desire them for actual occupation, and the school fund would receive the benefit of the advance in price, which would inevitably follow the purchase and occupation of the government land, instead of the land speculators, who, under the present system, have seized upon them.

The argument always urged against the policy of withholding the lands from market, that it retards the growth and settlement of the country, is fully answered by the facts to be derived from our experience under the present system. These facts show that the school lands have not fallen into the hands of those who want them for occupation, but are held by speculators, in large quantities, ranging from five to seventy-five thousand acres, thus more effectually retarding their settlement than if held by the state.

This argument has but little weight when applied to the 16th sections, for they are so distributed that their being withheld from immediate sale cannot materially affect the general settlement of

the unoccupied portion of the state, and no serious complaint has ever been made upon this subject, by the older counties, when these sections were withheld for several years after these counties became settled.

To carry out this policy your committee herewith report a bill repealing all laws authorizing the appraisal and sale of all school and university lands, and recommend the passage of the same.

The faults of the present system of keeping and loaning the school and university fund are too many and too great to be remedied in detail, and it should be materially changed. Under this system it is necessary that those owing interest to the income fund, in the several counties in the state, should remit the various amounts to the state treasurer at Madison; and the same money, after it is apportioned, must then be sent back to the several counties from which it was received. Many losses and much inconvenience results from this system, and it would be far better in every respect, and equally safe, that the money should be paid to the treasurers of the respective counties in which the debtors to the fund reside. The committee therefore report back the bill which was referred to them entitled "An Act to amend chapter 24 of the revised statutes, and establish a system for the safe keeping and management of the school and university funds," and recommend its passage.

The committee, however, are not unanimous in relation to this recommendation.

Your committee finds as per schedule marked "N," that

the whole amount of loans from school fund is.....	324,637 37
Amount of loans paid.....	33,436 27
Showing a balance of	291,201 10
Amount of loans from university fund, see schedule marked "O".....	13,295 90
Amount of loans paid from said fund.....	450 00
Showing a balance of.....	12,845 90

Amount of school fund loan, see schedule marked "P" ..	383,284 14
Your committee find also, as per statement of the amount herewith submitted, marked "R," that there is now due from the state treasurer to the state	38,026 48
Due on land certificates, loans, omissions and alterations	21,711 07
Due on patents issued	5,900 61
Payments without authority of law	8,628 70
Due on penalties not entered	22,849 98
	<hr/>
	97,116 84
Payments since January first, 1856	9,867 72
	<hr/>
Leaves a balance against the state treasury of	87,249 12

The total amount of the school fund on the 1st day of January, 1856, was two million, forty six thousand, three hundred seventy one 5 100 dollars. (\$2,046,371 05.)

As per report of the school commississioners, the number of acres exclusive of the 16th section, sold up to that time, was four hundred seventy-six thousand, seven hundred ninety five 55 100, being about 745 sections. The whole number of the 16th section in the state, as estimated by the superintendent of public instruction, in his report for the year 1851, was 1,523. Deducting from this the number sold, and we have 736 sections unsold, which at the average price realized from those heretofore sold will bring seven hundred thirty-eight thousand dollars. (\$738,000.) Adding this to the amount of the fund as it stood in January last, we have a total of two million, seven hundred eighty-four thousand dollars. (\$2,784,000).

This falls short of the estimate made in the report of the superintendent before alluded to, which was at that time considered a low one of two million, five hundred and eighteen thousand dollars. (\$2,518,000). There is no question but that under judicious, careful and prudent management, our school fund at this time would have been double what it is. The people of the state have expected,

and had a right to expect, that the revenue belonging to this fund would be carefully husbanded.

They have been led to believe from the annual messages of the executive that there was "evidence of energy and fidelity" in the management of the educational funds of the state; that those having charge of this great and sacred interest have been actuated and governed by a "sense of justice" and by a high regard for the duty attendant upon their position and that, they have sometimes even "gone beyond the strict line of duty," actuated by their zeal for the welfare of the rising generation, "and have ventured to assume such responsibilities in the premises, as the importance of their trust seemed to demand," although from all the information which the people have gathered from this source, they may have suspected that even the legislature has sometimes manifested a "reckless disregard for these funds of which we may and do, justly feel proud," and which "they as the watchful guardians of the interest of the rising generation, should have carefully protected," yet notwithstanding this neglect it would have been gratifying to be able to believe from all "the official reports connected with these funds, no evidence exists that a dollar has ever been lost or squandered, whatever may have been the suspicion or charge to the contrary," and "that the fund granted for the purpose of ensuring the lasting establishment of our common school system, is steadily working the beneficial results intended." But your committee are compelled to say that the result of this investigation shows that there is no foundation for such hope or belief. Tens of thousands of dollars of this fund have been embezzled, and hundreds of thousands "lost or squandered" whatever may have been the hope of every citizen of this state who loves the sacred cause of education, to the contrary. Criminal negligence, wanton recklessness, and utter disregard for the most responsible duties which could be imposed upon man alone has distinguished the management of this fund. It is a melancholy reflection that this great wrong thus inflicted upon the best

and highest interest of the state, does not end with the mere pecuniary loss to the school fund, but that it goes farther, and inflicts a deadly blow, upon the confidence of the people, in those in whom they have confided, and to whom they have entrusted, their dearest interests. It goes even beyond this and becomes a double crime, for its direct tendency is to undermine and destroy the confidence of the people in a representative government. Once destroy that confidence, and all free government is at an end.

The corruption which such a state of things engenders, if suffered to continue, will be felt in our halls of legislature and will soon reach the people, until a general depravity of public sentiment will be the result, and the great and true end of government, the moral and intellectual progress of man, will be lost sight of in the conflict of personal interests which would ensue.

D. TAYLOR,
P. H. SMITH,
D. WORTHINGTON,
Senate Committee.

WILLIAM HULL,
A. GREULICH,
H. H. GRAY,
JOHN F. POTTER,
CHAS. BURCHARD.
Assembly Com.

APPENDIX.

APPENDIX.

EVIDENCE TAKEN BY THE COMMITTEE.

E. H. Janssen's statement :—There is now money due from W. H. Besley, that was overdrawn by him to the amount of eight or nine hundred dollars. The legislature made no provision in 1855 for the payment of the clerks in the school land office. The secretary of state, A. T. Gray, and the attorney general, Geo. B. Smith, authorized Mr. Besley, chief clerk of the school land office, to draw money from the treasury to pay the clerks; he did so, and overdrew eight or nine hundred dollars. Mr. Besley was requested by me to refund the amount; he said it was right, and and he would make it all right. The secretary of state and attorney general requested Mr. Seaver, the assistant treasurer, in my absence, to pay the drafts of Mr. Besley. The amount which the clerks were entitled to, that is their regular pay, was charged on the books and credited to me; the amount overdrawn was not charged and was never credited to me. I was never consulted about this, nor about the sale of school lands, nor anything else.—Mr. Smith and Mr. Gray were in the habit of consulting together about the sales, &c., but did not say anything to me. Mr. Seaver, my assistant, never gave any bonds. At the sale of school lands last fall, Mr. Gleason purchased lands to the amount of twelve or fourteen hundred dollars, which were paid for, after the sale by

W. A. Barstow. They were to be paid for in full. Mr. Barstow paid for them by giving his note for \$100, and the balance has never been paid. When I left the office, Mr. Kuehn receipted the note as cash. The balance appeared by the books to be paid, but was not paid. A general stub was given, and that is the way it got into our books. Mr. Barstow did not give the "due bill" until after the defalcation was discovered. No part of this money was paid while I was in the office. My belief is that the money due on a great deal of land sold was never paid, and that the other commissioners and clerks in the school land office were interested in the purchase of these lands. I found stubs in my office signed which were entered on the books and charged to me, which had never been paid. I succeeded in obtaining the money on some of these stubs, which I paid over to Mr. Kuehn, the present treasurer; I have now some of them in my possession. The certificates had already been issued. Some persons came and paid, and this was the first that led me to believe that the lands had not been paid for. When I came back to Madison in the fall, after the sale of all the school land subject to sale, and before the legislature met, I asked Seaver where the money was which was paid on the sales of lands. He said it was all right. But when in January last, I was about to pay over the money on hand to my successor in office and counted the money, I found it deficient, I asked Seaver where it was. He said they had not paid for the lands. Seaver said he would go and collect some of it; he went out and was gone a day or two, without going out of town, he brought back about five thousand dollars. The money received by me on the stubs which I have before alluded to, was paid me by Mr. Byrne, clerk in the school land office. I here exhibit these stubs to the committee. The amount paid me by Mr. Byrne, as due on them was \$407 81. Some of them are dated Nov. 13th, and 14th, 1855, and some bear no date. I received the money on them sometime in February, 1856. Mr. Byrne told me that these stubs had been entered on the treasurer's books, and charged to me,

but had not been paid. After the sale of 1855, a general stub, including the whole amount of money received, or which ought to have been received on the sales, was made and charged over to me on the treasurer's books. This general stub included the amount of the stubs now exhibited to the committee. From the fact that the amount of these stubs had already been charged to me and afterwards paid, I believe that there are others that never have been paid which were charged to me, included in the general stub. I have no means of ascertaining the amount of them. While I was in the office, the commissioners were in the habit of enforcing the payment of the penalty incurred by non-payment of interest within the time prescribed by law.

(Signed) E. H. JANSSEN.

Subscribed and sworn before me, this 8th day of August, A. D. 1856.

JOHN F. POTTER, Sec. of Com.

Daniel M. Seaver's statement:—The draft shown me, drawn by John W. Hunt, on the treasurer October 28, 1855, in favor of Andrew Proudfit or order, and endorsed by him and accepted by E. H. Janssen, state treasurer, pr. D. M. Seaver, assistant, for \$548 50, payable the 15th December, at "State Bank," is similar to others to the number of some three or four, which were drawn on the treasurer and accepted by him. Not more than three or four drafts were accepted by me drawn by Hunt. Instances occurred when we accepted drafts, paid the acceptance and also the appropriation upon which the draft was made, making a double payment. In case of Schœffler & Wendt we found we had paid twice, something like \$1,100 00, also in case of Fratney \$550. We frequently accepted drafts on appropriations when we had no money. We overpaid Andrew Proudfit \$100, on state prison account. We paid Beriah Brown \$3000 on the certificate of secretary of state that Brown had done work to that amount, before

any appropriation was made to him for the work. Up to the time Janssen went out of office Proudfit had not re-paid the \$1000. I have spoken to Schoeffler about the \$1100 paid to Schoeffler & Wendt. He said he did not think it was so, but was not sure. State officers would sometimes come into the treasury, take money out and leave a slip of paper with the amount written on it, in anticipation of salary. I think the defalcation in the treasury has arisen from these practices. School land certificates were signed in blank by the commissioners, to the amount of two or three hundred at a time. This was the practice for the last two or three years. We paid the "Blind Asylum" at Janesville 2500 or 3500 dollars* more than the secretary of state would allow us credit for, because the vouchers were informal. Neither the governor or secretary of state ever made any examination into the affairs of the treasury, or counted the money. None of the state officers had access to the treasury except the treasurer and clerks in the office. There were two sets of keys to the vaults and safes. Sometimes I had one set and Habisch one. Besley told me he was buying land for himself in the name of Daniel Howell, and as he was interested in it we charged no fees. Byrne also entered land in the name of J. McKinnon and no fees were charged. Doct. Hunt also entered lands in the name of Gleason and Robert Chandler. I have seen Chandler assign over certificates to Hunt at the Waupacca sales. Only two or three of the lots on which the bids were forfeited were re-offered, and that early in the morning. The school land office was separated from the treasurer's office about two years ago, and the system of signing blank certificates by the commissioners originated since that time in the land office. W. H. Besley, chief clerk of the land office, had possession and control of the certificates after they were signed.—Mr. Janssen was not consulted by the other commissioners either about the appointment of clerks, sales of land or anything else.—

* This amount was subsequently allowed.

Messrs. Smith and Gray held their councils by themselves. Many of the certificates after being signed and filled out were put into market and sold like any other property. Some were sent to New York. I have no doubt but that certificates to a large amount are out upon which no money was paid into the treasury. The due bill given by Wm. A. Barstow to the treasurer, included the amount due on land sold in November, taken in the name of Peter G. Jones and Wm. H. Gleason, and also included the amount of some slips in the office. These slips are the pieces of paper spoken of above, and were for small amounts of money had at different times by him, upon which was written "Good for ——" the amount being specified on the paper.

(Signed) *John F. Potter* D. M. SEAVER.

Subscribed and sworn to this 8th day of August, 1856.

JOHN F. POTTER, Sec. of Com.

No. 2.

D. M. Seaver, on the 29th day of August, A. D. 1856, appeared before the committee and says, that in his examination taken before the committee on the 8th instant, he stated that the due bill given by Wm. A. Barstow to the treasurer, Charles Kuehn, was given in payment in part for school lands purchased by Wm. A. Gleason; that since that time I have become satisfied that I was mistaken in this respect, and that no part of the due bill was given for lands purchased by said Gleason, or for any other purpose but his benefit.

I have since satisfied myself on this matter from an examination of a memorandum or account made at the time the due bill was given, which memorandum is now in the possession of Wm. A. Barstow as I suppose.

D. M. SEAVER.

Subscribed before me, this 29th day of May, 1856,

D. TAYLOR.

Charles Kuehn sworn.—I am the treasurer of the state. I took possession of the office on the 12th day of January last. From the time I came into the office until I settled with Mr. Janssen, I kept the money, which was paid into the treasury after that date, separate from the money which was already in the treasury. Mr. Janssen requested me to hold on for a few days until Mr. Seaver could look up the vouchers and settle the accounts. I did so, and after a week or ten days I told Mr. Janssen that I could not wait longer. Soon after the resolution of the senate came down, calling upon me to report the amount of money in the treasury, which was paid me by my predecessor. I then told Mr. Janssen that he must settle the accounts. He said he thought Seaver would be able to make it out. That Seaver said he was short some five or six thousand dollars. But on a further examination it was found that he was short some thirty-five thousand dollars. That amount was afterwards reduced to about thirty-one thousand dollars, by vouchers that had not been entered, &c. At the time of my settlement with Janssen I had from him a due bill against William A. Barstow for seven hundred and twelve dollars (\$712), which I receipted for as cash. It is now in my possession, I do not know what it was given for. The due bill was given after I came into office and reads as follows, viz :

“ Madison, February 2, 1856.

“ Good to Charles Keuhn, to be receipted on account of salary and appropriation, seven hundred and twelve and 92-100 dollars. (Signed)

W. A. BARSTOW.”

I know of no overpayments by Janssen to any one. Judge Smith, whom I found by the books, had been overpaid on his salary one hundred dollars. It was deducted from his next quarter's salary and credited to Janssen. I was present when the desk which W. H. Besley, chief clerk in the school land office, used, was broken open. There was a lot of papers in the desk, among them a letter from some person in the city of New York,

addressed to Mr. W. H. Besley. It seemed to be from a particular friend of Mr. Besley, and said something about school land certificates. I do not recollect particularly about the contents of the letter. Mr. Powers had the letter in his possession afterwards.

The way the desk happened to be broken open was this:—Mr. Powers, chief clerk in the school land office, and successor of Mr. Besley, informed me one day during the session of the legislature that Mr. Halpin was in the office and demanded a desk which was there, as being the private property of Mr. Besley. I objected to the desk being taken without having it sealed up. I then informed Col. Jones, Secretary of State, of the circumstances, who, with some members of the committee of investigation and myself, proceeded to Mr. Halpin's office, where the desk had been taken. The desk was opened in the presence of Col. Jones, the attorney general, Messrs. Worthington, Taylor and others, of the committee, and the papers taken out and examined. Among them was this letter. I think Mr. Janssen has a copy of the letter:—I herewith exhibit two letters, one from W. P. Derrickson to E. H. Janssen, dated Milwaukee, July 15th, 1855, covering a draft on the State Bank, Madison, for \$25 50, to pay interest on lots 25 and 30, section 16, town 10, range 22, Ozaukee county. Also one from W. H. Besley, in reply to the above, dated Madison, July 24th, 1855, and addressed to W. P. Derrickson, as follows, to wit:

“Sir:—Your favor covering draft on State Bank for \$25 50 is received. We have to charge you a penalty. The law is inexorable. The amount required to be paid is \$17 94.

Respectfully yours,

W. H. BESLEY.”

It does not appear from the treasury books that the \$25 50, or any part of it, was ever paid into the treasury. The money, by a memorandum on the letter, appears to have gone into the hands of Carl Habich, a clerk in the treasury office.

(Signed)

CHARLES KEUHN, S. T.

Subscribed and sworn to before me, this 15th day of August, 1856,

JOHN F. POTTER, Secretary of Com.

Carl Habich sworn :—I came into the treasury office in April, 1854. When I went into the office Mr. Janssen told me that he wished me to assist him in keeping the books, receiving money at the counter, &c. Mr. D. M. Seaver was assistant treasurer. I had no charge of the vaults, or of the cash account of the treasurer. The business of the school land office was transacted in the treasurer's office up to June or July, 1854. After the school land office was removed from the treasurer's office, the clerks in the school land office would bring into the treasurer's office blank certificates to be signed by the treasurer, sometimes three or four hundred. The treasurer and secretary of state would sign them, and let them go back to the school land office. Mr. Seaver was in the habit of entering school lands and selling certificates. While I was in the office, I sometimes acknowledged the assignments; he had on hand quite a number of certificates; I do not know how many. He had a tin box, say 12 inches by 8 or 10, and 8 or 10 inches deep, nearly full of papers, and in my opinion the most of them certificates; when he went away he took them with him. I do not think any cash book was kept in the office showing the daily transactions of the office. When Mr. Janssen was here, Mr. Seaver was always punctually at the office in good season and attentive to his business; but when Mr. Janssen was absent, which was much of the time on account of sickness and other domestic troubles, Mr. Seaver was absent from the office a great part of the time, inattentive and careless about the business of the office. Mr. Seaver attended the "land sales" three—~~times~~ in the summer of 1854 in Iowa county, last summer in Waupacca county, and last fall on the Mississippi. When Mr. Seaver returned from these sales he did not count the

money to my knowledge. When he returned from the last sales in Jackson and Monroe counties, he did not count the money he brought, but stowed it away in the vault and safe without counting. The money accruing from the sales in each county, was included in one general stub; if that money was deficient, it could not afterwards be ascertained. I have seen large numbers of the Ludington certificates delivered at different times, but I do not remember of ever having seen any money paid into the treasury on them; I should probably have seen the money paid if it had been. An account was kept with the Bank of the West, and these certificates were generally delivered over to the cashier of the Bank of the West; I suppose the bank kept an account of them, and gave the treasurer credit for them. Mr. Seaver kept accounts with individuals on slips of paper which were put into the drawer; he would let money go to different persons, and make no other account of it than to put it on those slips.

The governor, secretary of state, attorney general and clerks in the offices, were in the habit of getting money on these slips. At the sales of school lands in Outagamie county, in December, 1854, I was present; there were some of the lands run up to \$70 per forty acres lot, and the bids were forfeited; next morning the lands were re-offered, and sold at ten shillings per acre. I do not remember the names of the persons who forfeited their bids. The writing in the margin of the sale book opposite sections 21 and 22, town 25, range 18, in the county of St. Croix, in the words—"To be kept for Wm. A. Banstow," is in my opinion the handwriting of Daniel M. Seaver. The money which was sent by a draft on the State Bank, by W. P. Derrickson in July 1855, to pay interest on the amount due from him, was received; it was never placed to the credit of Mr. Derrickson, because there was a penalty to be paid which he did not send; but the money went into the hands of Mr. Janssen. It is the rule of the commissioners to charge penalties whenever they accrued, so far as I know the rule of the office.

(Signed) CARL HABISH.

Subscribed and sworn before me, this 15th day of August,
A. D. 1856.

JOHN F. POTTER, Sec. of Com.

James Halpin sworn :—I have been employed eight years about the capitol, as superintendent of public property. Daniel Seaver had charge of the treasury department the most of the time during Mr. Janssen's term of office. Mr. Janssen was not there much of the time, I was in and out of the treasury office frequently, two or three times per day, I knew Mr. Seaver's habits of life. He was frequently intoxicated. I have seen him in the office attempting to do business when he was too drunk to do it. On one occasion Mr. Seaver and Henry C. Parker were both in the vault, and both intoxicated. When I looked into the vault they were looking at the money—the drawers were out—Seaver was more intoxicated than Parker. I turned them both out of the vault—locked the vault up, put the key into Dan Seaver's pocket and turned then out of the office. I took the key of the outside door and gave it to Martin the watchman. Martin told me one morning that Seaver was in the vault at eleven o'clock the night before, and it was his impression that he took money out. Curt Wicks who kept a grocery here in town, whose brother kept a "gambling house" in Madison called the "Tiger," told me the next day that Seaver the night previous lost eleven hundred dollars in gold in playing at "Faro." Seaver lived extravagantly, I should say above his means. At one time I went to the treasury office and drew out three thousand dollars for which I gave Seaver a voucher. Seaver paid me the money. He had been drinking and was the worse for liquor. He made no account of the money and lost the voucher. This was afterwards made right by the investigating committee and the payment was credited to Janssen. Seaver has frequently lent me money from the treasury for which I would give him a due bill. He was in the habit of

doing this with others. When Seaver went to attend the sale at Waupacca last July, I asked him to buy me two lots of school land. He did so, but he sold it on his way home, and I never got the land. Seaver told me that he entered the land and disposed of it. He also told me he bought land for Martin and sold it again. About a year since Seaver told me he had two thousand dollars of stock in the La Crosse railroad and he offered to sell it to me for fifteen hundred dollars. I was with Seaver in Milwaukee previous to the Ludington purchase. I heard some conversation between Seaver and Ludington about the purchase, Seaver told Ludington that there was a great chance for speculation. My impression is that Seaver had an interest in the "Bank of the West" to the amount of two thousand dollars, and that he exchanged this stock with Mr. Ludington, for the La Crosse railroad stock. "The Bank of the West" was established, I think a short time before the Ludington purchase. I returned on the cars from Milwaukee with Mr. Seaver and Dr. Hunt. Seaver said to Doct. Hunt in my presence, while the cars were stopping at Eagle that the school lands were all sold. Hunt said he was sorry for he wanted some of them. Seaver took out of his pocket a paper and showed it to Hunt. Hunt said this had nothing to do with "school lands." Seaver said it had. It was an assignment of the two thousand dollars of stock in the "Bank of the West." Seaver made his brags that he had got this assignment of stock and had made it clear, and more too, by the "Ludington purchase." Seaver told me that he afterwards exchanged this bank stock for La Crosse railroad stock. He afterwards took out of his pocket an other paper and showed it to us, which was an application of Mr. Ludington for all the unsold school lands.

(Signed) JAMES HALPIN.

Subscribed and sworn before me this 21st day of August A. D. 1856.

JOHN F. POTTER, Sec'y of Committee.

Matthias Martin sworn :—I have been employed as watchman in the treasurer's office for four years and three months, which included all the time that Mr. Janssen was treasurer. Daniel Seaver was deputy treasurer during that time. I stayed in the treasurer's office every night—had nothing to do with the office in the day time. During the time I was there, Mr. Seaver came into the office about eleven o'clock one night, opened the vault and remained there about ten minutes. I do not know what he was doing. I was too far from the vault to hear any noise in it. Liquor was kept in the vault sometimes. This was during Janssen's first term. Seaver came into the office another time during Janssen's second term, about 11 o'clock at night and opened the vault; he remained in there about fifteen minutes. I dont know what he did there. Sometime during the third year of Janssen's term, I went into the office one evening between five and six o'clock, and Mr. Seaver was sleeping in a chair, intoxicated. The vault was open. Another person, a stranger to me was present, who said he was a school mate of Seaver's. He was sober, and was reading a newspaper. Seaver afterwards told me that this stranger was from New York. I have frequently seen Seaver in the day time, during Janssen's term, laying on the sofa, in the office, intoxicated. At the time I found Seaver there with the stranger, I called Doct. Hunt from the secretary's office, who came in and locked the vault and took the key. I requested Seaver at one time when he was going to attend the sale of "school lands" in Clark county, last fall, to purchase a quarter section of land for me. He did so, but never gave me the certificate. I dont know what he did with it. The land now stands on the sales books to me, and the interest is paid, but I did not pay it. I tendered the money for the certificate but I could not get it. Seaver told me that Dr. Hunt, the assistant secretary of state, had got the land. Seaver told the boys that he had got land for all of us, when he came back from the sales in the spring, but we did not get the land.

(Signed)

MATTHIAS MARTIN.

Subscribed and sworn before me, this 21st day of August, A. D. 1856.

JOHN F. POTTER, Sec. of Com.

John A. Byrne sworn :—I was clerk in the school land office from July, 1854, up to February last. While I was in the office, it was customary to have the school land certificates signed in blank by all the commissioners and kept in the school land office. A large number were signed at one time, and brought into the office and were filled out as occasion required. They were not kept locked up, but were accessible to any one in the office. The clerks in the office who were notaries were in the constant habit of filling up the certificates of acknowledgement on the land certificates and signing their names to such certificates without either of the commissioners being present. This was done with the knowledge and by the consent of the commissioners. I am under the impression from information which I obtained from Mr. Besley or Mr. Frary that Mr. Besley used Mr. Howell's name in the entry of school lands by permission of Mr. Howell. I refuse to answer the question whether or not I was directly or indirectly interested in the entry of lands in Howell's name. It was customary while I was in the office to deliver certificates of school lands to certain parties on their promise to settle with the treasurer for them. We had no means of knowing whether they were paid for, unless we examined the books of the treasurer and secretary of state. I do not remember that we ever examined these books for the purpose of ascertaining if payment had been made. The clerks employed in the several departments of the state usually kept a deposit with the treasurer to meet any amount, which might be due for certificates taken by them. They usually took their certificates and said they would settle with the treasurer for them. I do not know whether they did so or not. I was not directly or indirectly interested in the sale of certificates sent to

New York to be sold. I received letters from Mr. Charles I. Kane in New York, requesting me to pay interest on certificates which he held. He sent the money to pay such interest, sending the numbers of certificates, &c. The letter was received on the 6th day of March, 1856. I wrote him that penalties had attached and he sent the money to pay them. Afterwards the legislature extended the time of payment, and I remitted the surplus. While I was in the office we always insisted upon the payment of penalties whenever they attached. These were our instructions. Mr. Besley went to New York several times while he was chief clerk in the office, and while I was there. I did enter school lands while I was in the office in the name of Mr. McKinnon. I asked Geo. B. Smith, the attorney general, one of the commissioners, if I could enter lands and he gave me permission to do so. Before this time I used my own name in the purchase of lands. Daniel M. Seaver often made out certificates and took them from the school land office. I do not know who they were for or whose name was in them. The school land commissioners never made any thorough examination into the affairs of the office while I was there. They never gave us any general rules. There was no thorough system about the office. I have no recollection that Mr. Besley when he went to New York left any money with me, or made any arrangements with me for the payment of money due on a patent issued to him for section 16, town 23, range 22, in Brown county. He left money on deposit in the Dane County Bank, subject to my check, which I was to pay on his matters and which I did pay. But I paid nothing on this patent. Mr. Besley went to New York in January. The patent was issued Sept. 14th, 1855.

(Signed)

JOHN A. BYRNE.

Subscribed and sworn before me, this 23d day of August, A. D. 1856.

JOHN F. POTTER, Sec. of Com.

No. 2.

John A. Byrne sworn.—On the 29th day of August, A. D. 1856, appeared before committee and says:—Before I entered any school lands for myself whilst I was acting as a clerk in school land office, I asked permission to do so of the three commissioners. They said they had no objection to my doing so. At a subsequent time the attorney general found that I had purchased a large quantity. He then objected to it, and said I should not have bought so much. The attorney general said when I asked permission to buy, he supposed I only wanted to buy 160 or 320 acres. This objection was made in the presence of Secretary Gray and Dr. Fox. At this conversation, I contended that I had a perfect right to enter school land, and if the commissioners considered the entering of school lands inconsistent with my duty as a clerk, I was willing to be discharged. This was about the time I entered those forfeited lands, in the fall of the year 1854. I remained in the office as a clerk till 1856. I entered some school lands between the fall of 1854 and the month of March, 1855. These last lands were entered in my own name. Neither of the commissioners had any interest in any lands entered by me. No lands were entered for the benefit of the commissioners by any person to my knowledge.

(Signed)

JOHN A. BYRNE.

Taken and subscribed before me this 27th day of August A. D. 1856.

D. TAYLOR.

Charles Huggins sworn:—I was clerk in the school land office from July, 1855, to some time in February last. While I was in the office, the practice was for the commissioners to sign the certificate for school lands in blank. The treasurer, secretary of state, and attorney general, signed three or four hundred at a time, and they were filled up in the land office as occasion required. The

certificates of acknowledgment were also filled out and signed by the clerk, who was a notary, without either of the commissioners being present. This was the general practice. The blank certificates, signed by the commissioners, laid in piles in the office, and any one could take them and fill them out that chose to do so.

I have known lands to be entered upon the sales book in the office, in pencil, as though they were sold, when I knew they were not sold. If persons came to purchase these lands they did not get them. I have known lands to be marked sold by persons in the office to accommodate some friend or friends, and these lands were considered sold until these friends had an opportunity to go and examine the lands. I have known considerable of it to be done. In answer to the question of the committee if I have known Mr. Byrne and Mr. Burke, clerks in the office, to mark lands sold, for the benefit of friends, when the lands were unsold, I answer, I have known them to do it.

I cannot tell what the object was of entering opposite sections 21 and 22, town 25, range 18, in pencil, "to be kept for W. A. Barstow," nor do I know whose hand writing it is.

(Signed) CH'S. HUGGINS.

Subscribed and sworn before me the 15th day of August, A. D. 1856.

(Signed) JOHN F. POTTER, Sec. of Com.

Haven Powers Sworn:—I was chief clerk in the school land office from about the 19th of February to the 26th of June of the present year. I was also clerk in the office about three weeks before I was appointed chief clerk this year. I was also clerk in the office in the winters of 1853 and 1854. It was always customary to fill out the certificates of acknowledgement of school land certificates, and for the officer taking the acknowledgement to sign the certificate without either of the commissioners being present. I never knew of an instance of the officer taking the ac-

knowledge, going to either of the commissioners to receive his acknowledgement. Nearly all the clerks in the office were notaries. I signed the certificates of acknowledgement of several hundred school land certificates as "notary public" while I was in the office. In 1853, and 1854 and 1855, it was usual for the school land certificates to be signed in blank by the attorney general, secretary of state, and sometimes by the treasurer. I filled and signed the certificates of acknowledgement of land certificates under the general rule of the office which I found when I went there.— When I went into the office as chief clerk, Mr. Byrne, who had been clerk there up to the time of my going in, sometime about the last of February, 1856, had seven certificates for certain lots of land, purporting to have been entered sometime about the first of January, 1856, under Mr. Janssen's administration, by Henry Jackson, I think. The certificates were not signed by Mr. Janssen, the treasurer. Mr. Byrne seemed anxious about them; said he had not paid the money on them, and wanted it fixed up. I told him I did not know what I could do about it, as Janssen had not signed the certificates and was then out of office. He thought he could sign them as of prior date, having been in office at the date.

I proposed laying the facts before the commissioners, but he thought this would be unnecessary. I did, however, present the facts to the commissioners, and they directed me to say to Mr. Byrne that they would hold the original application good, and that new certificates could issue, which was done. I know nothing of the interest which Mr. Byrne had in those certificates. Five of these certificates were located in town 22, range 17, section 24, and two of them in town 22, range 17, section 27. I am not positive about the name, but I think it was Henry Jackson. It appears by the books in the school land office that on the first day of May, 1854, certificates issued to James Ludington for the whole of section 16, town 23, range 22, in Brown county. These lands were sold to Ludington for not less than ten shillings per acre,

and some of them for more than that, and it appears he has paid the interest up to 1856. This same land was afterwards sold to Daniel Howell for one shilling per acre, and \$3 86 on each forty for expenses for appraisal, &c., and certificates issued to him; he only paying 86 cents of the principal on each forty acre lot, while the other certificates to Ludington were still uncanceled and unrecalled. On the 14th day of September, 1855, a patent issued to Walter H. Besley for the same land, as appears by the patent book, the number of the patent being 709. I have made diligent search in the office, and I cannot find any evidence that the Howell certificates have ever been paid or recalled, or that anything was paid on the issue of the patent. The Nos. of the certificates to Howell are from 192 to 209, both inclusive. I cannot find any evidence that these lands were ever appraised previous to the sale to Ludington.

When I came into the office I found among the certificates four in the name of Richard Packham, for lands in Dunn county.—The Nos. of these certificates were, I think, 85, 86, 87 and 88, they were unpaid as I was told by Mr. Byrne, and as appeared by the envelope containing said certificates. These lands purported to have been paid for on the sales books; subsequently, Mr. Gray, just before the legislature adjourned last April, offered to pay the amount due on them, saying the land was for a friend of his.—Three months had then intervened between the date and the offer of Mr. Gray to pay the amount due on these lands. The commissioners permitted Mr. Gray to pay the money which was entered to Janssen's account, as I was informed in the secretary's office, and the certificates delivered to him. I saw a letter which was written to Mr. W. H. Besley, by some one in New York, about school land certificates and other matters. It was placed in my hands by Mr. Keuhn, the state treasurer, who said it was found among other papers by the committee and school land commissioners, in the desk taken from the land office. The Mr. Gray, whom I referred to as speaking about the payment of the four

school land certificates, in Dunn county, was A. T. Gray. The letter to Mr. Besley from some one in New York, referred to within, was taken away by Mr. Besley from the school land office, after he had examined the papers by permission of Col. Jones, the secretary of state. I cannot state the contents of the letter, as I never read but a small part of it, in presence of Mr. Besley, who when he saw me reading it, took it away, saying it was his private property. I do not know of my own knowledge of any school land certificates being issued and delivered to any person without the required payment down, all I know on the subject is by hearsay.

(Signed)

HAVEN POWERS.

Subscribed and sworn before me, this 13th day of August, A. D. 1856.

JOHN F. POTTER, Sec. of Com.

Ezra H. Gleason sworn :—I was not present at the sale of school lands last fall in Clark county, neither did I authorize any person to bid off lands for me, or in my name, at that sale ; I have no knowledge for whose benefit those lands were purchased. About a year ago last spring, D. M. Seaver requested me to permit him to use my name in the purchase of four or five lots in Chippewa, St. Croix, or La Crosse counties, and I gave him permission to do so ; the certificates for these lots I afterwards assigned over to him at his request. These are the only lands that were ever entered in my name for the benefit of other parties by my consent. I have never attended any public sale of school lands in this state ; I have entered lands at private entry at the school land office ; say about 600 acres in Grant county, about two years ago last May ; 80 acres in Iowa county ; between 300 and 400 acres in Dane county, all about the same time ; in February last 80 acres in Adams county. These include all the lands pur-

chased by me in my name, except some forfeited lands which were purchased originally by Michael Holmes.

(Signed) EZRA H. GLEASON.

Subscribed and sworn before me, this 8th day of August, A. D. 1856.

(Signed) JOHN F. POTTER, Sec. of Com.

No. 2.

E. H. Gleason's statement :—I wish further to state in addition to the above, that (I think in May 1855) I did give to Walter Besley a power of attorney (special as I understood) to sell and dispose of school land in the counties of La Crosse and St. Croix, and for no other purpose. Subsequently, however, that was revoked or done away with by my executing the certificates in blank, thinking that the better way, and I supposed, of course, that the power of attorney was destroyed. That being the only instrument of the kind I am aware of ever having given to any one, and this in the way and manner above specified.

(Signed) EZRA H. GLEASON.

Subscribed and sworn to before me, this 6th day of September, A. D. 1856.

D. TAYLOR, Chairman of Committee.

Daniel Howell sworn :—I have no interest in any purchase of school lands in this state out of Jefferson county, and I never authorized the purchase of any lands for me, or in my name. I never authorized any person to use my name in the entry of the lands which purport to have been entered in my name in the counties of Brown, Kewaunee, Wood, Portage and Adams, or any other county than Jefferson, and I knew nothing of their entries until I was called upon to sign the assignments to certificates.

I have no means of knowing or telling how many of these assignments I have signed.

Mr. Frary was the person who brought those to me to sign. This was while I was at Madison in the winter and spring of 1855. I should think there were two or three hundred of these certificates that I signed. I do not know where Mr. Frary obtained them.

I did not retain any of these certificates, nor was I directly or indirectly interested in them or in the lands described or mentioned in them.

I never authorized Walter H. Besley, nor any other person, to use my name in the purchase of lands for their benefit, or the benefit of any other person, except some four or five, or perhaps six forty's, which I entered in Jefferson county for my own use. I have no knowledge of the issue of school certificates from the office of the commissioners without prepayment of the amount required by law.

(Signed) D. HOWELL

Subscribed and sworn before me this 26th day of August A.D. 1856.

JOHN F. POTTER, Sec. of Com.

*Wm. Chappell, being duly sworn, says:—*I have never at any time purchased any school or university lands, nor have I ever authorized any person or persons to purchase any of said lands in my name, or for my benefit. I have never owned or had any interest in any school or university lands in this state, nor have I now any interest in said lands.

I never had any knowledge that any school lands were entered in my name until sometime in the summer of 1855, at which time, Walter H. Besley, who was then acting as chief clerk in the school land office, informed me that there were some school lands entered in my name, and presented me a number of blank printed

assignments of school land certificates, and requested me to sign them. I signed them as requested by Besley in blank, and delivered them to him. Besley did not tell me how much land was entered in my name, but I think I executed from one to two hundred of the blank assignments above mentioned.

WM. CHAPPELL.

Subscribed and sworn to before me, this 3d day of September,
A. D. 1856.

D. TAYLOR,

Walter H. Besley sworn :—I was chief clerk in the school land office; I went into the office in July 1854, and was clerk until February last; I never knew anything of the sale of section 16, town 23, range 22, in the county of Brown, to James Ludington in 1854; certificates were issued to Daniel Howell for this section of land in 1855, at one shilling per acre. I used Mr. Howell's name to enter this land, with Mr. Howell's permission. I went to New York shortly afterwards, and left the money to pay for the whole section in full with Mr. John A. Byrne, also a clerk in the office at the time; Mr. Byrne used the money for other purposes, for my benefit, and did not inform me that the land had not been paid for until a short time since. I think this section was appraised in 1854 at one shilling per acre; I do not know how the amount opposite each lot of this section got into the books when it was sold to Ludington. The money for this land has not yet been paid on the sale to Howell. The certificates issued in the Howell sale were returned into the school land office. I was not a clerk in the office at the time of the Ludington purchase. The school land commissioners left the business of the office with Doct. Hunt, Seaver, and myself, to get up a set of books and adopt rules for the office. They gave me no special instructions while I was there; certificates were issued in blank by the commissioners, and left in the school land office in large quantities. When I

went into the office, I found a large quantity of certificates signed by the commissioners. We sometimes issued certificates, and the stubs would not come back to the office for two or three weeks. Mr. Byrne entered some lands in the name of Mr. McKinnon in 1854. Doct. Hunt entered some lands, in 1854, in Gleason's name. Clerks in the office might have filled out certificates without my knowing it, and have disposed of them; but I have never known any certificates to go out of the office without payment further than I have stated. Mr. Frary had, and others used to have, a deposit with Mr. Seaver, and would take the certificates from the office, and I supposed they settled with Mr. Seaver. I have never known of the practice in the office of withholding lands from sale for the purpose of enabling persons to go and look at the lands before purchasing. I have never known the the governor, secretary of state, or attorney general, to be interested, either directly or indirectly, in the purchase of school lands. I cannot tell anything about the lands purporting to have been purchased by Daniel Howell in 1855, upon which there does not appear to have been any payment. Perhaps Mr. Byrne can tell something about it. The certificates which were signed in blank by the commissioners were not locked up in the office except when the office was locked.

Sworn before me, this 23d day of August, A. D. 1856.

JOHN F. POTTER, Secretary of Committee.

Mr. *Besley* here requested the committee to keep the testimony open until the following morning, to afford him an opportunity to produce a receipt from the treasurer showing a settlement of all matters between them; he did not, however, again make his appearance before the committee. The testimony, as it is written, was carefully read over to him, and he assented to its correctness before several members of the committee.

Geo. W. Chapman sworn:—I transacted the details of the business connected with the purchase of certain school lands by Jas. Ludington, in May, 1854, so far as related to receiving the certificates, paying the money, &c. I am unable to state whether the money was paid for the lands described in the schedule now exhibited to me, because there were so many certificates, I cannot now recognize the items in the list. I have nothing before me by which I can state with certainty, the exact amount of lands paid for under the Ludington purchase. But I can state from recollection, very nearly, I think. The whole number of acres included in that purchase was something over 57,000. This includes the 16th sections and also all of the 500,000 acre tract, purchased by Ludington. The amount of purchase money, including ten per cent and interest to January succeeding the date of purchase, was thirteen thousand eight hundred and forty five and 5-100 dollars, and including fees for certificates, fifteen thousand eight hundred and forty-one and 30-100 dollars, the whole amount of which was paid to the treasurer or his deputy. The certificates were made out and delivered at different times, between the first of May and the first of August, 1854, as fast as the clerks in the office could fill them out, and were delivered in quantities, and paid for as fast as delivered. I have in my possession a perfectly reliable list of all the lands included in the "Ludington purchase," which I will exhibit to the committee; (see paper marked "C") in looking over the schedule of lands now exhibited to me, marked "B,"* I recognize the sections of land which are on our list, and which I know we paid for at the time we received the certificates. The treasurer kept a deposit account with the "Bank of the West," of which I was cashier, and when I received school land certificates for "the Ludington purchase," the amount due on them was credited to the account of the state treasurer, and drawn out on his checks.

(Signed)

G. W. CHAPMAN.

*This was a list of lands entered by Ludington, on which it appeared by the Treasurer's books, no payment had been made.

Subscribed and sworn to before me, this 15th day of August, A. D. 1856.

JOHN F. POTTER, Secretary of Com.

James Ludington sworn :—In the latter part of April, 1854, I made application for all the unsold school lands in the state, which were represented to be about 70,000 acres. On getting the lists of the lands I found that there was about 200,000 acres. I then refused to take the lands on that application and make a new application, and on the last application I made the entries of all the land purchased by me. The purchase of these lands was made by me in good faith and for my own benefit and that of Mr. Kelley of New York, and of Mr. Chapman. My impression is, that we paid some sixteen or seventeen thousand dollars into the treasury for those lands, including fees and interest. Mr. Chapman will remember more particularly about this as he paid the money. I never requested them to close the school land office, but my impression is, that it was closed while they were making out the list.

He paid the money due, and the amount required to be paid by law, which was ten per cent. of the purchase money on the 16th sections, and interest from the time of purchase up to January following, on all the certificates we received. I have a correct list of all the lands and certificates which I purchased and received, which I will exhibit to the committee, and on these lands, included in this list we paid the whole amount called for by them, and which was due on them, and we received no other certificates bearing date May 1st, 1854, than those contained in this list. (For list see paper marked "C," attached to Chapman's affidavit.)

(Signed)

JAMES LUDINGTON

Subscribed and sworn before me, the 15th day of August, A. D. 1856.

JOHN F. POTTER, Sec. of Com.

John Williams sworn:—I have been clerk in the school land office since September 7th 1855. Walter H. Besley was the chief clerk in the office when I went in. I think after some time in November the rule of the office was that no certificate should be delivered unless the stub from the treasurer's office was returned to our office which showed that payment had been made. While I was in the office previous to January last Mr. Besley was absent much of the time in New York. I thought the business of the office was not conducted in a very systematic manner. From my knowledge of the business of the office I should say, whenever the amount is carried out opposite the description of a lot or lots of land, on the sales books it is evidence that the land has been appraised, for these amounts can only be taken from the appraisal. I do not think it was usual to furnish the governor with any evidence of payment, when patents were sent into him to be signed. Mr. Byrne usually attended to that business and carried in a bundle of them at a time. I had nothing to do with the delivery of certificates. Mr. Byrne attended to those matters himself. I went into the office as transcribing clerk and knew but very little about other business of the office at that time.

(Signed)

JOHN WILLIAMS.

Subscribed and sworn before me the 27th day of August A. D. 1856.

JOHN F. POTTER, Secretary of Com.

Andrew Proudfit sworn:—After I obtained the lunatic asylum contract, I obtained of the treasurer an acceptance for \$1000. Subsequently on an estimate for labor and material furnished, I got of the secretary of state a certificate for three thousand six hundred and eighty dollars. On this certificate Mr. Janssen, the treasurer paid me \$2,680 or thereabouts under the lunatic asylum appropriation of \$15,000, he having deducted the acceptance for \$1,000, and he gave up the receipt which I gave him for it. On the

back of the receipt is a memorandum, made by Seaver at the time, which shows that the receipt was in his possession.

Judge Rose was present at the time, and probably remembers the circumstances, in relation to the transaction. I immediately made a deposit of the amount in the State Bank. I had collected \$75 that day, and my bank book shows that my deposit was \$2,755.

ANDREW PROUDFIT.

Subscribed and sworn before me, this 22d day of August, A. D. 1856.

JOHN F. POTTER, Sec. of Com.

Mr. James L. Hill sworn :—I am teller in the State Bank. I have been in the bank since two years ago last January. The bank has frequently cashed drafts and acceptances drawn on the state treasury on appropriations made to the person making the draft, where the secretary of state had certified that there was an appropriation to the credit of the party. I do not know that any draft drawn by John W. Hunt on the treasury and accepted by him, was ever cashed at our bank. We kept an account with the treasurer. We cashed these acceptances in the same way we would any other bankable paper.

(Signed)

JAMES L. HILL.

Subscribed and sworn this 8th day of August, 1856.

JOHN F. POTTER, Sec'y Com.

Gen. Wm. R. Smith sworn :—I was present some time last winter in Mr. Halpin's office, when a desk, said to be one which was used by Walter H. Besley, was opened and some papers taken out.

The papers were examined by myself, Mr. Taylor and others, and those which were considered private were placed back in the desk, and those which were considered as belonging to the school

land office, or appertaining to transactions of the office, were retained by the commissioners. Among the latter was a letter written by some person in New York, whose name I do not now recollect, in the fall of 1855, I think to Mr. Besley. The letter was in relation to school land certificates, and the general purport of the letter, as near as I recollect, was, that there was some organized club or company for the purpose of entering school lands, or purchasing certificates, in order to sell the same again in New York, or elsewhere, and that the writer was an operator for a company or club, and that a certain person, under a disguised name in the letter, was in New York, and that another person under a disguised name, was either in Madison, or was expected to come from Madison to New York. An indication was also given that certificates should be sent on, as it was a good time to operate. That letter I considered to be a paper of public interest, and I laid it aside among other papers, separated from the strictly private papers of Mr. Besley, for the purpose of having the same deposited in the school land office. The private papers of Mr. Besley were then thrown back into the desk, and those which were considered of public interest, were delivered over to Mr. Powers, chief clerk in the school land office for safe keeping. From the time these papers were delivered over to Mr. Powers, I have no knowledge of what became of them.

(Signed)

WM. B. SMITH.

Sworn and subscribed, this 16th day of August, 1856, before me.

(Signed) JOHN F. POTTER, Secretary of Com.

*John W. Hunt being duly sworn, says:—*I am now assistant secretary of state. I have been deputy secretary and assistant secretary most of the time since January 1st, 1851.

The draft drawn by me and endorsed by Andrew Proudfit, accepted by D. M. Seaver, assistant treasurer, together with two

others of the same kind, in all amounting to about \$1,300 were accepted, as payment for that sum which was due Halpin, on appropriations, and the sum for which the drafts were accepted was included in a receipt given by Halpin to the treasurer for the sum of \$2,785, at the time the drafts were made.

In answer to question of committee Mr. Hunt says: In April A. D. 1854, D. M. Seaver, assistant treasurer, and myself went to the city of Milwaukee, stopped at the U. S. Hotel and occupied the same room. During the evening, after our arrival at Milwaukee, I saw nothing of Seaver until after I had retired for the evening. After I was in bed Seaver came to the room. It was quite late when Seaver came in. Seaver then told me that he had been spending the evening at Jim. Ludington's room in Kilbourn town, and had been drinking some champagne. Seaver remained in Milwaukee a day or two and then returned to Madison. I came by Waukesha and returned in the same cars to Madison with Seaver. On the way home in the R. R. cars between Waukesha and Eagle, Seaver remarked to me that all the school lands were sold, I replied "I guess not." Seaver said he would show me, and took out of his pocket a piece of note paper signed by James Ludington, and showed it to me. I told him it had nothing to do with the school lands. He then took it back and handed me another piece of note paper of the same size signed by James Ludington, applying for the purchase of all of the unsold school lands. The first paper exhibited by Seaver signed by Ludington was a paper which conveyed to me the idea that Seaver was the owner of \$2,000 of the stock of the Bank of the West. I did not read the paper carefully. I expressed to Seaver at the time my disapprobation of the transaction with Ludington.

Mr. Gray, secretary of state, went into Milwaukee on the cars the same day I left Milwaukee for Waukesha, and remained in Milwaukee several days. Smith, the attorney general, was absent from Madison when we arrived.

Before the return of either Gray or Smith, Seaver handed into

the secretary's office the application of Ludington referred to above, and to which was attached a descriptive list of school lands. I told him we had better do nothing about it until a majority of the commissioners returned to Madison.

After Smith and Gray came home I told them of the transaction, and they both disapproved of it. From the time of the return of Seaver from Milwaukee, until the second application was made by Ludington no persons were allowed to enter school land except actual settlers or persons wanting small tracts. I presume there were certificates issued on the first application and before the second was filed. I don't know whether certificates were paid for as fast as delivered. The transactions with Ludington were not settled for several months. I know that the treasurer had a deposit account with the Bank of the West.

The school commissioners as a general custom, signed school land certificates without inquiry as to whether payment was made or not. They were made out by the clerks and signed by the commissioners when presented. I know nothing about the entry of school lands in the name of E. H. Gleason in 1855, nor of the entries in the name of Dan, Howell in the same year. I never have had nor have I now any interest directly or indirectly in any of these entries.

(Signed)

JOHN W. HUNT.

Subscribed and sworn to before me, this 3d day of September, A. D. 1856.

D. TAYLOR.

*James F. Frary, being duly sworn, says:—*I acted as a clerk in the school land office from about the 14th day of July A. D. 1854, to the last day of March A. D. 1855 I was a subordinate clerk, acted under the direction of Besley and Byrne, who were chief clerks in that office during the term I was in the office. Whilst I was in that office the clerks were in the habit of enter-

ing school lands for themselves. They did this by permission of the school land commissioners. I entered a considerable amount of lands whilst acting as clerk; I think Besley and Byrne both entered some lands. I and the other clerks entered land in the names of other persons for our benefit. I dont know that the commissioners, or either of them knew, that lands were entered in the names of third persons for the benefit of the clerks or any of them. I know that E. H. Gleason, merchant of Madison gave a power of attorney to some person duly signed by him and acknowledged, which power of attorney, authorized the person to whom it was given to sell school land certificates issued in his name. I decline stating to whom this power of attorney was given. It was not given to me. This power of attorney was given after the entry of school lands in his name, in March A. D. 1855. I dont know of my own knowledge who owned the lands entered in Gleason's name. The lands entered in Gleason's name have been transferred—dont know who holds the certificates at this time. In March 1855, while the bill limiting the amount of school lands to be sold to any one person, was pending in the legislature and before its passage I took pains to mark some of the lands now standing on the school land books as sold to Daniel Howell—as sold to him at that time. I did this by directions of, and under the authority of persons who had the control of the sale of school lands. From whom I received this authority and direction, I decline answering.

Question—Were any fees charged by the school land commissioners on the Dan Howell entries?

This question I decline answering. No fees were charged to any clerks on lands entered for their benefit.

The certificates for the lands entered in Dan Howell's name were handed to me, I think, after I left the school land office as clerk. They were handed to me with a request to procure the signature of Dan Howell to assignments on those certificates. I procured the signature of Howell to the assignments, and, I think,

I then returned them to the person who gave them to me. Afterwards some of those certificates were placed in my hands for sale on commission. I think all of these certificates were placed in my hands for sale, and I sold them. To the best of my knowledge the lands marked as sold to Dan Howell in the early part of March, A. D. 1855, on the books in the school land office, were not paid for at that time. The certificates for those lands were not issued, to my knowledge, until after I left the school land office. I left there on the last day of March I think. I do not think that all the lands entered in Dan Howell's name were paid for at the time the certificates were issued. I know some of them were not paid for at the time of issuing certificates. Certificates could be issued on sale of school lands without payment of the money due on the sale, and without the knowledge of either of the commissioners of such non-payment. This was necessarily so for the reason that certificates were signed in blank. The commissioners, I think, knew I was entering a quantity of lands, for the reason that they received no fees on my entries. I think they did complain that they were losing too much fees. No certificates were ever taken by me out of the school land office without the knowledge of either the chief clerk, Besley, or the assistant, Byrne. I do not know that the school land commissioners, or the governor, had any interest in the entry of any school lands. I know that Charles I. Kane & Co., of New York, were agents for the sale of school land certificates. They received certificates from me for sale. Some of the certificates received by them for sale were mine, and some belonged to other persons, which were placed in my hands for sale. I decline stating whether any of the school land certificates placed in the hands of Chas. I. Kane & Co. for sale, belonged to W. H. Besley. I do not know that any lands entered for my benefit, either in the name of Dan Howell, or any other person, have not been paid for. To the best of my knowledge these lands so entered have all been paid for, either to the treasurer, or to the person who placed them in my hands for sale.

(Signed) J. F. FRARY.

Subscribed and sworn to before me, this 30th day of August,
A. D. 1856.

D. TAYLOR.

*Nathaniel W. Dean, being duly sworn, says:—*That on the 18th day of May A. D. 1854, he purchased of the school land commissioners at their office, in Madison, 381.60 acres in Green county, 727 9-100 acres in La Fayette, and 480 acres in Iowa county, of the university lands, upon which purchase certificates of sale were issued and delivered to him. That at the time of said purchase he paid to the assistant treasurer the sum of five hundred and seventeen and 92-100 dollars as part of the purchase money, and one hundred and ninety and 98-100 dollars interest on the balance of purchase money up to the 1st day of January A. D. 1855, making in all the sum of seven hundred and eight 10-100 dollars, paid into the treasury at the time of such purchase. A discription of the lands upon which said payments were made, together with the sum paid on each tract is hereto annexed marked "A."

(Signed)

N. W. DEAN.

Subscribed and sworn to before me this 5th day of September
A. D. 1856.

D. TAYLOR, Chairman of Com.

"A."

N. W. DEAN.

P'ge	County.	Cer.	T	R	S	Acres.	prin'l	inter'st	Date.
11	Green.....	294 to 7	2	7	3	158 .77	50 87	18 47	May 18, 1854
11	do	298 to 300	3	7	34	120	38 06	14 19	do do
11	do	301 to 3	4	8	31	103 .38	47 18	17 62	do do
13	La Fayette.....	398 to 401	2	2	3	167 .9	52 51	19 50	do do
13	do	402 to 7	2	2	10	240	76 56	27 96	do do
14	do	408 to 9	2	2	15	80	25 52	9 32	do do
15	do	410 to 15	1	3	6	240	76 50	28 00	do do
17	Iowa	196 to 207	6	1	34	480	150 72	55 92	do do
							517 92	190 98	

STATE OF WISCONSIN, SS.

Robert Chandler, of the City of Milwaukee, being duly sworn, deposes and says, that Dr. Hunt or no other person has ever, to his knowledge, entered any school lands in his name.

That the lands entered Dec. 13th, 1854, were entered by him, the certificates for which were taken by him from the land office to Milwaukee,—that none of such lands have been sold by him—the assignments of which were taken before D. M. Seaver, and that he never assigned any such land, or certificate of lands in the presence of D. M. Seaver, to Dr. Hunt, or to any other person.—And that no such acknowledgement was ever taken by him before the said Seaver as notary public or otherwise.

(Signed) ROBERT CHANDLER.

Taken before me, this 10th day of September, A. D. 1856.

CHAS. BURCHARD. Notary Public.

William A. Barstow appeared before the committee on the 29th August, 1856, and made the following statement:

It was my custom to sign all patents presented to me by W. H. Besley or John A. Byrne, or one of the commissioners.

It is my impression that W. H. Besley presented to me for signature a patent for a section of land to himself, which I signed as I did other patents. It was my custom also to sign patents presented by assistant treasurer Seaver.

Previous to Janssen's leaving I called on Seaver for a settlement of any unsettled matters that might be between the Treasurer and myself. He at last, before Janssen left, brought in a statement of amounts due for money advanced by the treasurer; some to Halpin, some to Wood, for work done about the capitol. The account also included a draft I had given P. G. Jones to pay for a pre-emption he had on a piece of school land, to be used by him with the commissioners. The amount of the whole claim

was \$792,12, for which sum I gave a due bill payable to Chas. Kuehn. I have since paid the due bill.

Some time in January, 1854, I think, John P. Story, my brother-in-law of Waukesha, told me that Mr. Bryant had been up North and reported that there were two sections of school lands in St. Croix, which it would be an object to enter, and requested me to look at the land and see what it would cost to purchase it, as his brother Augustus wished to purchase it. I called on Seaver I think and looked at the books, got the prices, and requested that it would be considered sold from that time. I wrote immediately to Mr. Story, and the money was sent forward without delay, and the land entered.

The appointments of the chief clerk Besley, and the assistant clerk Byrne, were made after consultations with me, and with my consent.

No part of the due bill of \$792,12 was given for the benefit of Wm. H. Gleason or in payment of any school lands purchased by him.

PAPERS AND ABSTRACTS.

PAPERS AND ABSTRACTS

PAPERS, ABSTRACTS, &C.

A Statement of principal and interest shown to have been paid by the school journals, and also payments and interest on loans, unaccounted for on the treasurer's books

School Fund.....	In	1849.....	36 00		
		1850.....	235 00		
		1851.....	106 64		
				377 64	
	Patents	1852.....	245 84		
	Certificates	1852.....	381 79		
	Patents	1853.....	2,676 79		
	Certificates	1853.....	928 88		
	Penalty paid but omitted.		25 00		
				4,258 30	
School Income.....	Patents	1854.....	2,471 36		
	Certificates	1854.....	3,768 04		
	Patents	1855.....	506 62		
	Certificates	1855.....	3,327 69		
				10,073 71	
	Loans paid not credited..			575 00	
					15,284 65
	Interest	1851.....		404 94	
		1852.....	781 21		
		1853.....	1,217 81		
				1,999 02	
		1854.....	3,042 51		
		1855.....	2,015 43		
				5,057 94	
	Int. on loans not entered.			1,384 90	
					8,846 80
					24,131 45
	Payments to clerks Dec. 31, 1855, in school land office, audited by sereetary, but not authorized by law.....				8,628 70
	Total amount school fund and income.				32,760 15

University.

University Fund...	Omitted	1853.....		151 57	1,326 68
		1854.....	843 54		
		1855.....	331 57	1,175 11	
University Income.	Omitted	1852.....	50 82		916 48
		1853.....	58 98		
				109 80	
		1854.....	318 77		757 17
		1855.....	438 40		
				49 51	
	Int. on loans omitted				
Total amount of omissions and over charge.					35,003 31

Recapitulation.

Due on certificates issued	18,464 59	35,003 31
“ patents issued	5,900 61	
“ loans paid	2,009 41	
Unauthorized payments	8,628 70	
There should be added to the above penalties accrued for non-payment of interest on sales and loans.....		22,849 98

The treasury in account with sundries Dr. and Cr.

	Dr.	Cr.
To school fund as corrected.....	52,863 61	
“ school income do.....	32,299 47	
“ university fund do.....	5,138 64	
By general fund.....		13,946 88
“ university income as corrected.....		2,087 98
“ balance forward.....		74,266 86
	90,301 72	90,301 72
For balance due January 1, 1856.....	74,266 86	
By amount paid to April, 1856.....		9,867 72
To the above should be added the penalties accrued for non- payment of interest on dues for sales, and for loans.....	22,849 98	
Balance properly due.....		87,249 12
	97,116 84	97,116 84
For balance forward.....	87,249 12	

Statement of capital of school fund, January 1, 1856.

Due on sales 500,000 acres.....	639,684 23	
do 16th sections.....	1,077,459 24	
		1,717,143 47
Amount of loans on mortgage.....		291,201 10
Balance due from treasurer as per secretary's books.....	38,026 48	
Add omissions and corrections.....	14,837 13	
		52,863 61
		2,061,208 18
To this should be added penalties accrued for non-payment of interest on dues for sales but not credited.....	17,891 98	
And of interest on loans.....	3,908 51	
		21,800 49
		2,083,008 67
Capital "school fund" as reported by commissioners.....		1,897,269 30
Difference.....		185,739 37

The capital school fund actually on hand Jan. 1, 1856.

Balance from sales of Land.....		1,717,143 47
Mortgages.....		291,201 10
Balance in treasury.....		38,026 48
		2,046,371 05

University Fund.

Balance on sales of land.....		153,102 98
Loans on mortgages.....	12,845 00	
Loan to university.....	15,000 00	
		27,845 00
Balance in treasury as per secretary of state.....	3,725 78	
Add omissions and corrections.....	1,412 86	
		5,138 64
		186,085 92
Penalties accrued for non-payment of interest.....		1,049 49
		187,135 41

"A."

List of Accounts Audited by the Secretary of State during the year 1855, not authorized by Law.

W. H. Besley.....	For services in School Land Office.....	\$833 33
John A. Byrne.....		577 76
Henry Quarles.....		200 00
J. F. Frary.....		426 67
John A. Savage.....		90 08
Arthur Resley.....		242 72
Leopold Lathrop.....		284 07
T. C. Bourke.....		270 04
A. S. Wood.....		141 75
Wm. B. Graves.....		250 00
J. D. Ruggles.....		222 28
W. H. Besley.....		500 00
John A. Byrne.....		600 00
Thos. C. Bourke.....		450 00
J. D. Ruggles.....		750 00
Charles Huggins.....		205 00
John Willans.....		200 00
John A. Sheehan.....		200 00
Henry Quarles.....		385 00
Lafayette Smith.....		500 00
Carl Habich.....		1050 00
R. W. Lansing.....		250 00
		\$8628 70

"B."

Vouchers rejected by the Committee, but charged in Treasurer's Account.

F. Fratney.....	\$800 00
S. G. Bugh, 10 altered to.....	22 50
J. Halpin, 254-65.....	319 00
List of lost vouchers.....	441 86
D. S. Vittum.....	200 00
H. Hertel.....	500 00
John Wright.....	6 88
John White.....	397 50
J. S. Baber.....	12 00
E. L. Varney to R. L. Ream.....	37 50
A. C. Barry.....	75 00
Swamp Lands.....	50 00
Foots & Sawyer.....	21 50
B. K. Miller.....	4 50
J. H. Wells.....	15 60
J. H. Wells.....	15 60
J. H. Wells.....	40 55
Check for interest on bonds.....	75 00
Samuel Crawford.....	500 00
S. Ryan.....	10 00
Welstood, Hay & Co.....	288 70
H. L. Page.....	380 00
A. C. Barry.....	100 00
S. L. Rose.....	40 00
Alexander Cook.....	55 60
Weed & Eberhard.....	88 89
Edward O'Neil.....	110 00
Joseph Schrage.....	43 50
Marshall Ten Eyck.....	30 00
J. K. Smith.....	629 50
	\$5311 18

"B."

Sundry charges on School Fund without Vouchers.

Dec. 2, 1851..	W. C. Michael, for platting, &c.....	\$ 9 50	
Jan. 26, 1853..	D. McKee, publishing.....	5 00	
June 30, 1853..	A. T. Gray, appraising.....	20 00	
Feb. 28, 1854..	J. Kohlman, & Bro., publishing.....	3 00	
Mch 2, 1854..	Beriah Brown, printing.....	892 40	
Mch 30, 1854..	Weed & Eberhard, binding.....	44 00	
May 3, 1854..	Weed & Eberhard, binding.....	77 00	
June 29, 1854..	Beriah Brown, printing.....	645 00	
Sept. 20, 1854..	W. H. Willard, selecting and appraising.....	132 00	
Sept. 20, 1854..	James Murdock, selecting and appraising.....	141 00	
Sept. 10, 1854..	R. F. Wilson, selecting and appraising.....	100 00	
Jan. 3, 1855..	E. R. Otis, publishing.....	64 00	
Nov. 27, 1855..	W. M. Young, appraising.....	90 00	
Dec. 31, 1855..	W. L. Smith, clerk in school land office.....	500 00	
<i>School Income.</i>			\$2722 90
May 1, 1850..	Geo. Hyer, advertising.....	5 00	
Nov. .. 1850..	Work in copying platfs.....	142 50	
1850-1851..	Sundry charges for transporting books.....	167 42	
<i>University.</i>			314 92
Without date..	H. Wright, for platting.....	129 00	
.....	H. Wright, for platting.....	3 00	
.....	Weed & Eberhard.....	28 00	
.....	J. L. Marsh.....	3 05	
.....	Calkins & Proudfit.....	40 00	
			203 05
			\$3240 87

"C."

The annexed is a Statement of all the certificates included in what was known as "Ludington's Purchase" of School and State lands, from the State of Wisconsin, and was made out at the time of the "Final Settlement" with the Treasurer, and differs in the total from the amount settled for in the sum of about fifteen dollars; resulting probably from mistakes discovered in footing or otherwise.

(Signed,) GEO. W. CHAPMAN.

Counties.	No. of acres	No. of Cer.	Cost of Cer.	Principal	Interest.	Total.
Bad Ax	4,545 .1	109	136 25	461 70	235 06	833 01
Brown	960	24	30 25	170 68	65 34	266 02
Calumet	3,473	87	108 75	395 70	287 19	791 64
Columbia	819 .29	28	35	270 77	111 30	417 07
Crawford	1,133 .7	28	35	126 94	61 10	223 04
Dane	360	9	11 25	97 83	57 80	146 88
Door	2,480	62	77 50	385 46	143 38	606 34
Fond du Lac	920	23	28 75	175	95 43	299 18
Grant	2,540	63	78 75	343 26	134 14	556 15
Green	519 .38	13	16 25	118 72	44 72	179 69
Iowa	5,720	143	178 75	1,620 52	645 97	2,445 24
Jefferson	276 .20	7	8 75	33 60	13 90	56 25
Kewaunee	1,720	43	53 75	383 69	148 31	585 75
La Crosse	3,147	80	100 75	392 40	175 62	668 02
La Fayette	360	27	33 75	224 73	87 24	345 72
Manitowoc	775 .85	18	22 50	13 02	46 90	82 42
Marquette	5,311 .11	133	166 25	920 15	361 45	1,447 85
Outagamie	440	11	13 75	15 18	23 37	52 30
Polk	6,380 .19	160	200 75	894 45	343 06	1,437 51
Portage	360	9	11 25	50 59	19 72	81 56
Richland	5,440	136	170 25	1,136 18	432 35	1,738 53
Richland Centre	90	135	168 75	120 05	26 94	315 74
Sauk	840	21	26 25	104 75	42 47	173 47
Sheboygan	400	10	12 50	104 06	43 16	159 72
St. Croix	760	19	23 75	-----	44 65	68 40
Waukesha	160	4	5 75	22 80	8 60	36 40
Washara	4,320	108	135 00	615 92	230 48	981 40
Waupaca	2,580 .39	66	82 50	350 22	141 89	574 61
Winnebago	839 .6	21	26 25	172 79	72 35	271 39
	57,469 .53	1597	1,996 25	9,721 16	4,123 89	15,841 30

"E."

Recapitulation of 500,000 Acre Tract.

COUNTIES.	No. of Acres.	No. of Acres Sold.	Acres Unsold.
Bad Ax.....	41,807.80	41,167.80	640
Brown.....	11,136.15	11,136.15	.....
Columbia.....	22,052	22,052	.....
Calumet.....	28,842.99	28,842.99	.....
Crawford.....	4,396.94	4,396.94	.....
Dane.....	16,780	16,780	.....
Grant.....	6,175.91	6,175.91	.....
Iowa.....	6,836.26	6,836.26	.....
Jefferson.....	10,721.10	9,536.56	1,184.54
La Crosse.....	45,387.62	45,387.62	.....
La Fayette.....	15,474.35	15,486.35	.....
Manitowoc.....	22,435.59	22,435.59	.....
Oconto.....	4,777.38	4,777.38	.....
Outagamie.....	30,833.41	30,833.41	.....
Pierce.....	38,084.82	38,084.82	.....
Richland.....	17,600	17,600	.....
Sauk.....	11,584	11,584	.....
Shawanaw.....	62,194.12	62,194.12	.....
St. Croix.....	68,078.57	67,918.57	160
Waukesha.....	3,152.86	3,027.16	125.70
Waupacca.....	10,553.92	10,553.92	.....
Secretary's account.....	478,905.79 478,632.40	476,795.55	2,110.24
Excess.....	273.39		

List of Mortgages defective, irregular, &c.

County.	Mortgagors.	Amount.	Remarks.
Adams.	George S. Davis.	\$300 00	no note.
	D. Pratt.	400 00	no note.
Brown.	Morgan L. Martin.	500 00	no note, description defective, acknowledged Feb. 21, '52, recorded Sep. 23, '54.
	M. J. Meade.	112 00	dated Oct. 4, 1853, recorded Dec. 7, 1853.
	do.	500 00	mortgage for 1000. One note said to be for D. P. Meade, but his name is on
	do.	500 00	neither mortgage nor note.
Calumet.	Harrison C. Hobart.	200 00	no mortgage, receipt dated March 12, 1855.
Columbia ..	Charles H. Moore.	300 00	dated Jan. 28, recorded March 3, 1851.
	Doct. E. Farnsworth.	100 00	dated Jan. 20, recorded March 14, 1851.
	I. A. Gund.	150 00	no date to note.
	Horatio S. Thomas.	200 00	no date to note.
	W. M. Drake.	500 00	no date to note.
	John Sines.	200 00	no year to note.
	H. McFarlane.	500 00	note for five dollars.
	G. C. Prentiss.	400 00	no note.
	G. C. Britt.	200 00	date Sept. 10, recorded Dec. 21, 1855.
Clark.	Ebenezer and Artella Dichee.	500 00	no note, mortgage Dec. 12, 1855, recorded Aug. 23 : no year.
Dane.	James Lemon.	115 00	date Nov. 19, recorded Dec. 6, 1850.
	Justin Pinney.	150 00	recorded as \$100.
	Thomas Rathbone.	150 00	note Feb. 3, 1851, mortgage Feb. 3, 1850.
	Hans Peterson.	145 00	no date to mortgage.
	A. M. Hanchett.	300 00	date Dec. 19, 1850, recorded Feb. 3, 1851.
	Matthew A. Fox.	100 00	recorded Feb. 12, 1851, as if dated Feb. 12, 1850.
	Benj. D. Louden.	100 00	date Feb. 8, recorded March 14, 1851.
	Margaret Thompson.	225 00	date April 4, recorded May, 5, 1851.
	A. A. Boyce.	200 00	date June 1, recorded July 9, 1851.
	P. S. Rider.	350 00	no date to note, mortgage Oct. 25, recorded Nov. 23, 1852.
	P. M. Pritchard.	325 00	mortgage \$125, no seals, discrepancy between note and mortgage.

B. W. Caswell.....	250 00	date June 22, recorded Oct. 27, 1853.
Samuel Jewett.....	428 00	date July 14, recorded Sept. 10, 1853.
J. H. Fox.....	300 00	date July 26, recorded Sept. 6, 1853.
W. A. Wheeler.....	500 00	no date to note.
M. Roche.....	200 00	date Oct. 17, recorded Nov. 19, 1853.
C. G. Mayers.....	500 00	date Oct. 22, recorded Nov. 19, 1853.
Seth M. Van Bergen.....	500 00	note Jan. 1, 1851, mortgage Jan. 1, 1852.
John Collins.....	200 00	no date to note.
S. Williams.....	120 00	note Jan. 1, mortgage Jan. 20, 1854.
A. S. Wood.....	200 00	mortgage Feb. 2, 1854, recorded Feb. 7, 1854, note Feb. 2, 1855.
A. Inama.....	400 00	recorded as 200 dollars.
R. F. Wilson & W. H. Gleason.....	200 00	note Oct. 30, 1854, no date to mortgage recorded Nov. 17, 1854.
W. R. Taylor, Catherine Taylor.....	500 00	no date to note, mortgage Jan. 9, recorded Jan. 22, 1855.
James Halpin.....	500 00	date Jan. 1, 1855, recorded April 30, 1856.
M. D. Miller.....	500 00	note by L. C. Draper, who witnesses the deed.
W. B. Rogers.....	250 00	note and mortgage May 25, 1855, recorded Feb. 5, 1856.
J. P. Fuchs.....	500 00	date Feb. 27, 1855, recorded Feb. 8, 1855.
R. W. Lansing & Elizabeth Lansing.....	500 00	date Apr. 2, recorded Apr. 27, '55, endorsed by Att'y. Gen. "security doubtful."
E. Preiss.....	409 00	date July 16, recorded Oct. 18, 1855.
George Anderson.....	400 00	date March 30, 1855, recorded June 16, 1856, as if dated March 29, 1853.
Evan Davis.....	100 00	mortgage satisfied Sept. 10, 1851, paid Feb. 22, 1856.
John Lowth.....	200 00	no date to note.
Patrick Kennedy.....	100 00	no mortgage.
L. W. Chase.....	500 00	no date to note.
Catherine Hart.....	200 00	date Feb. 16, recorded April 1, 1854.
Epenetus Mungee.....	425 00	date March 1, recorded Dec. 29, 1854.
Charles Maxon.....	225 00	date Nov. 20, 1854, recorded Jan. 29, 1855.
Henry Clark.....	500 00	no date to note.
John McClung.....	225 00	no note.
W. Jeffrey.....	500 00	no mortgage.
E. T. Gardner.....	500 00	date Jan. 1, 1855, recorded March 2, 1855.
Wm. Renshaw.....	500 00	deed the same land as security, without reference.
David Hollister.....	500 00	no mortgage, paid by treasurer Aug. 15, 1853.
G. M. Ashmore.....	500 00	no mortgage, paid by treasurer Jan. 13, 1855.
do.....	500 00	date July 8, record Oct. 9, 1851.
M. J. Gallagher.....	200 00	no date to note.
James Rogan.....	300 00	date Feb. 19, recorded March 22, 1855.
J. Brayton.....	300 00	
Dodge.....		
Fond du Lac		
Grant.....		
Green.....		
Iowa.....		
Jefferson.....		

List of Mortgages defective, irregular, &c.—Continued.

County.	Mortgagers.	Amount.	Remarks.
Jefferson	E. H. Benson	\$500 00	no mortgage, transfer to H. P. G. Blake.
	H. P. G. Blake & Winslow Blake.	500 00	no note, mortgage not recorded.
	Thos. C. Bourke	300 00	no note, \$100 paid Dec. 28, 1855.
	W. H. Besley	500 00	date Feb. 26, 1855, charged by treas. 1856.
	Sarah Gilman	500 00	date Dec. 26, 1855, probably into 1856.
La Crosse	George Foster	500 00	date Dec. 29, 1855, no note, probably into 1856.
	D. McConnell	150 00	date Oct. 29, 1853, recorded Jan. 19, 1854.
	Geo. Gale note W. M. Young	350 00	date Oct. 31, 1853, recorded Jan. 19, 1854.
	C. K. Lord	500 00	date Feb. 22, 1854, recorded March 8, 1855.
	C. A. Stevens	500 00	date Jan. 1, 1855, recorded March 27, 1855.
La Fayette	A. D. La Due	400 00	no note.
	B. W. Reynolds	500 00	mortgage June 8, note Sept. 8, 1854.
	H. Cramer	500 00	no note.
	A. P. Lord	500 00	no date to record.
	J. H. Knowlton	500 00	date May 22, record July 8, 1851.
Manitowoc	Thomas Baty	100 00	date Oct. 20, record Dec. 27, 1851.
	D. M. Parkinson	300 00	date Oct. 4, 1853, record March 21, 1854.
	Reuben Holcomb	400 00	date Jan. 27, record March 9, 1855.
	James P. Glover	100 00	executed by attorney for Glover and wife, no power attached.
	Henry Born	181 00	note and mortgage \$120.
Marquette	Calvin A. Loomis	311 50	endorsed in pencil "no title."
	W. H. Gleason	500 00	no date to note.
Milwaukee	E. M. Hunter	500 00	no interest since 1850.
	Herman Haetel	200 00	executed by attorney, no power attached.
	E. Mariner	500 00	date Sept. 23, 1851, recorded Jan. 6, 1852.
Outagamie	Q. A. Colton	500 00	date Nov. 4, recorded Dec. 27, 1851.
	Arthur McArthur	500 00	date Dec. 21, 1851, recorded Jan. 15, 1852.
	J. A. Noonan	500 00	note Sept. 23, mortgage Oct. 7, 1853.
Outagamie	J. Carmody	500 00	date March 21, 1853, recorded March 21, 1854.
	E. McGary	500 00	date Feb. 16, recorded March 23, 1855.
	Robert Morrow	200 00	no mortgage.

Ozaukee	John Nelson.....	500 00	date Sept. 24, 1855, recorded March 4, 1856, part of security conveyed after date and before record.
	Edward Maloney.....	100 00	date March 24, recorded Aug. 18, 1853.
	Andrew Heidel.....	500 00	date March 22, 1854, recorded Jan. 8, 1856.
Portage	George C. Daniels.....	500 00	date Sept. 11, 1854, recorded Jan. 8, 1856.
	Willington Pollock & William Wington.....	500 00	note July 1, mortgage April 12, 1854.
	E. R. Cooley.....	500 00	no interest since 1849.
Racine	F. McCumber.....	400 00	no mortgage.
	D. C. Harrington.....	200 00	no interest since 1850.
	John Spence.....	350 00	no year to note.
Richland	James E. Lockwood.....	500 00	date Jan. 24, recorded March 4, 1852.
	Nelson R. Norton.....	500 00	date Sept. 15, 1855, recorded Jan. 14, 1856.
	B. N. Smith.....	250 00	mortgage defective, blanks not filled.
	A. C. Daley.....	400 00	date Feb. 2, recorded April 1, 1855.
	do.....	250 00	no mortgage, recorded April 3, 1854, not charged by treasurer.
	David Noggle.....	500 00	date July 18, recorded Dec. 4, 1850.
	John L. V. Thomas.....	500 00	no date to note.
Sauk	H. O. Wilson.....	500 00	no date to note.
	S. C. Millett.....	500 00	no date to note, mortgage date May 19, recorded July 15, 1854.
	J. P. Barron, supposed to be the same as I. S. Mosely.....	300 00	no mortgage entered by treas. Feb. 19, '55, not charged in treas.'s books.
	Otis Hoyt.....	350 00	date Sept. 10, 1855, recorded June 20, 1856.
	John Liroth.....	250 00	no mortgage.

Abstract of the Sale of the Sixteenth Sections—Continued.

County.	No. of Acres.	Amount Sold for.	Pr'l paid, 1853.	In't paid, 1853.	Pr'l paid, 1854.	In't paid, 1854.	Pr'l paid, 1855.	In't paid, 1855.	Balance due Jan. 1, 1856.	Pr'l paid, 1856.
Adams.....	24,000	\$31,039 55	.....	.....	1901 15	72 41	1882 40	1686 58	\$27,226 00	.....
Bad Ax....	15,930 83	20,758 30	353 00	11 80	2096 62	615 34	414 74	1152 47	17,893 94	54 72
Brown.....	6,926 81	16,948 26	450 75	250 64	2190 25	561 53	1182 28	865 03	12,530 64	114 00
Buffalo....	5,427 13	7,316 47	.....	.....	.....	.....	794 47	42 67	6,522 00	.....
Calumet....	4,960 98	10,696 54	213 12	224 08	679 70	399 10	569 66	522 51	8,657 82	.....
Chippewa...	22,520 64	29,134 99	.....	.....	.....	.....	3551 99	199 78	25,583 00	12 88
Clark.....	10,944 88	15,118 40	.....	.....	.....	.....	2806 40	102 67	12,812 00	55 00
Columbia...	13,795 72	44,171 88	2261 36	1741 94	1925 41	2353 40	319 12	2517 26	36,222 38	77 11
Crawford...	8,743 43	11,944 60	266 85	13 08	209 70	214 68	960 05	507 15	10,508 00	67 31
Dane.....	21,761 57	76,831 63	4464 59	3550 65	4043 95	4142 68	3133 66	4186 61	58,011 30	225 54
Dodge.....	14,849 45	46,416 29	2010 28	2417 96	2067 44	2432 17	4137 70	2222 92	30,638 00	121 17
Door.....	3,930	5,551 67	.....	.....	420 44	162 16	187 57	270 66	4,943 66	.....
Douglas....	160	206 00	.....	.....	.....	.....	206 00	.....	.....	.....
Dunn.....	18,612 16	24,175 92	.....	.....	.....	.....	2770 92	153 98	21,405 00	.....
Fond du Lac	12,897 76	45,056 47	826 70	2539 96	1449 47	2510 15	2487 25	2579 90	35,174 95	24 15
Grant.....	19,685 12	34,307 71	1626 52	1184 95	2377 62	1672 10	753 33	1882 89	27,173 00	.....
Green.....	10,239 38	22,539 05	534 20	1106 81	1627 38	1164 25	983 00	1114 82	15,582 00	7 54
Iowa.....	15,362 06	38,720 88	1125 94	614 62	4608 10	1485 94	1088 40	2127 65	30,975 46	65 52
Jackson....	13,029 84	18,776 08	.....	.....	.....	.....	2020 08	136 50	16,756 00	25 76
Jefferson...	9,823 01	35,145 94	824 53	1973 69	1223 20	2012 13	2057 00	1900 36	26,448 70	.....
Kewaunee...	5,692 96	12,524 93	300 60	1 50	480 57	354 14	564 76	612 35	11,179 00	.....
Kenosha....	4,276 91	32,024 21	84 50	1736 11	1284 00	1744 79	.....	1884 87	26,651 00	.....
La Crosse...	12,789 89	19,803 23	903 50	88 04	1179 41	736 50	576 04	1149 41	17,144 28	62 51
La Fayette..	7,050	23,294 55	920 78	846 53	1057 66	1158 66	1284 00	1118 10	15,793 00	.....
Manitowoc..	10,730 94	18,829 69	573 88	618 74	2060 75	991 34	107 90	1075 77	15,234 92	.....
Marathon...	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Marquette...	14,956 02	36,450 36	2660 96	1139 71	1153 21	1709 43	362 22	1925 53	29,292 31	.....
Milwaukee..	4,986 56	101,135 52	4887 56	5478 80	5560 80	5884 87	3048 65	5249 43	74,179 57	.....
Monroe....	8,960	13,887 03	.....	.....	.....	.....	1485 03	113 35	12,402 00	43 40

Oconto...	13,490 01	1263 34	125 73	487 48	353 63	815 19	580 56	10,924 00	46 55
Outagamie..	10,198 86								
Ozaukee...	11,949 81	172 12	13 52	1090 28	652 42	64 41	709 95	10,623 00	
Pierce.....	9,260 48			922 55	358 31	374 82	619 30	10,604 00	3 22
Polk.....	9,233 98				227 76	1680 92	1096 83	20,833 00	76 30
Portage.....	15,080 75			974 61	3433 74	470 10	13 72	54,872 83	
Racine City..	74,879 77	180 30	3695 41	2250 85	1959 99	1035 74	1837 39	27,226 01	
Racine Co....	6,092 31	496 50	2096 45	2077 90	1000 11	388 77	1319 01	19,533 00	
Richland.....	34,514 16			2359 06	4111 40	1585 94	4297 95	62,668 44	81 76
Rock.....	80,730 46	6585 56	3158 09	3764 72	710 26	205 44	706 92	11,436 00	
St. Croix....	13,008 24	158 50	10 43	1208 30	1240 97	1063 25	1612 07	24,033 00	63 00
Sauk.....	28,539 18	1788 75	482 06	1645 18					
Shawano....					1838 78	647 25	1888 66	26,955 46	78 11
Sheboygan...	8,820	1715 64	1623 51	2245 15		1021 84	48 83	8,688 00	
Trempealeau..	7,283					4235 00	3643 51	51,961 67	
Walworth....	10,221 74	2518 87	3278 08	3181 04	3779 59	4741 60	2816 38	40,055 00	
Washington..	12,609 95	4850 51	2583 34	3854 89	3081 04	3161 87	1960 82	27,784 90	
Waukesha....	9,786 69	1911 80	2651 25	2927 48	2193 72	1474 75	771 39	14,012 00	40 46
Waupaca....	12,613 85	1182 31	75 10	831 77	428 84	1056 64	852 43	13,286 00	119 00
Wausara....	11,520	573 55	155 79	865 91	602 86		1079 52	15,524 00	72 24
Winnebago...	7,269 58	154 88	941 56	570 70	1070 09	625 00			
	503,717 47	49,907 94	46,533 34	70,854 71	59,411 30	64,352 59	63,155 87	1,077,459 24	1,900 64
Amount of Principal paid in.....	1849		\$9,496 42	Amount of Interest paid in.....	1850			\$16,217 90	
Amount of Principal paid in.....	1850		64,666 84	Amount of Interest paid in.....	1851			37,864 26	
Amount of Principal paid in.....	1851		29,017 11	Amount of Interest paid in.....	1852			39,328 13	
Amount of Principal paid in.....	1852		14,338 11	Amount of Interest paid in.....	1853			46,533 34	
Amount of Principal paid in.....	1853		49,907 94	Amount of Interest paid in.....	1854			59,411 30	
Amount of Principal paid in.....	1854		70,854 71	Amount of Interest paid in.....	1855			63,155 87	
Amount of Principal paid in.....	1355		64,382 59	Interest for 1856 paid in.....	1855			1,900 64	
Total amount of principal paid			302,663 72	Total amount of interest paid.....				264,411 44	

Abstract of the Sales of

County.	Am't. sold for.	Pr'l. paid 1850	In't. paid 1850	Pr'l. paid 1851	In't. paid 1851	Pr'l. paid 1852	In't. paid 1852
Bad Ax.....	52,410 90			68 30	54 02	201 20	738 70
Brown.....	15,846 26						18 49
Celumet.....	42,830 63						65 28
Columbia.....	30,199 07					50 80	358 72
Crawford.....	5,667 00				3 10		36 34
Dane.....	3,601 31					199 34	37 33
Fond du Lac.....	1,270 00						
Grant.....	8,881 60						
Iowa.....	19,302 72						
Jefferson.....	13,305 14			1,110 69	195 49	203 00	394 97
La Crosse.....	59,153 98			554 40	250 27	467 16	1,941 82
La Fayette.....	25,962 47			386 23	88 00	227 24	215 63
Manitowoc.....	31,326 40					506 40	206 91
Oconto.....	5,673 00						
Outagamie.....	42,417 69						8 27
Pierce.....	47,012 63			41 21	45 13		445 86
Richland.....	27,753 05						
Sauk.....	19,893 95						
Shawanaw.....	78,766 52						
Waukesha.....	2,591 53			204 31	18 82	3 70	89 88
Waupacca.....	23,322 17						
St. Croix.....	86,821 58			176 61	68 94		730 25
	676,519 59			2,541 75	723 77	1,857 84	5,288 45

No. of acres sold, 476,795 .55

Amount of principal paid in	1851.....	2,541 75
do do do	1852.....	1,858 84
do do do	1853.....	5,853 02
do do do	1854.....	9,111 90
do do do	1855.....	17,469 85
		36,835 36

the 500,000 acre tract.

Pr'l. paid 1853	In't. paid 1853	Pr'l. paid 1854	In't. paid 1854	Pr'l. paid 1855	In't. paid 1855	bal. due Jan. 1, 1856	pr'l. paid 1856
130 90	1,157 07	696 70	2,903 75	1,573 27	3,335 90	49,740 53	78 16
1,417 00	69 05	141 36	751 63	111 36	910 90	14,176 54	47 30
-----	444 19	80 50	2,062 73	71 40	2,949 40	42,678 74	34 47
583 40	1,493 94	1,279 20	1,996 69	1,126 80	1,891 76	27,158 87	250 04
-----	47 82	-----	260 71	263 65	361 67	5,403 34	61 00
124 68	1,254 74	905 47	2,414 84	1,540 31	2,390 41	33,341 51	62 35
-----	14 62	-----	58 68	-----	-----	1,270 00	-----
-----	115 12	-----	595 30	757 56	559 10	8,124 04	-----
-----	152 15	-----	1,193 01	-----	1,284 76	19,302 72	11 28
368 05	611 54	610 06	672 12	914 94	689 01	10,098 40	16 50
441 62	2,354 36	2,616 82	3,577 85	3,176 44	3,333 99	51,897 54	166 90
1,152 23	514 02	557 68	1,576 41	1,300 96	1,635 38	22,338 13	28 02
781 20	952 15	890 10	1,768 88	891 96	1,946 71	28,256 74	-----
-----	-----	-----	29 43	-----	397 03	5,673 00	-----
-----	15 25	-----	675 52	-----	2,877 32	42,417 69	129 90
-----	650 14	352 10	3,772 08	343 20	3,155 79	46,076 12	90 59
493 32	157 92	282 49	1,808 45	441 64	1,869 08	26,535 60	-----
287 20	240 66	330 73	1,280 74	844 60	1,334 11	18,431 42	133 86
-----	-----	-----	358 55	50 30	5,501 55	78,716 22	38 72
73 42	124 86	318 40	125 26	456 70	123 86	1,535 00	-----
-----	-----	-----	-----	2,952 06	642 61	20,570 11	198 14
-----	1,303 82	50 30	5,503 25	452 70	5,602 76	86,141 97	-----
5,853 02	11,672 12	9,111 90	32,865 88	17,469 85	42,793 10	639,684 23	1,347 23

Amount of interest paid in 1851.....	723 77
do do do 1852.....	5,288 45
do do do 1853.....	11,672 18
do do do 1854.....	32,865 88
do do do 1855.....	42,793 10
do do do 1855 for '56.....	1,347 23
	<hr/> 94,690 61

Abstract Sales of

Counties.	Am't sold for.	pr'l. paid 1850.	In't. paid 1850	pr'l. paid 1851	In't. paid 1851	pr'l. paid 1852	In't. paid 1852
Calumet	8,855 22						
Columbia	8,743 19	50 56	5 95	16 28	31 82	76 78	48 46
Crawford	2,387 11						
Dane	19,711 23	214 78	4 62	57 74	30 66	267 72	89 25
Dodge	15,967 11			513 27	145 11	527 82	331 22
Fond du Lac	7,671 88			27 00	6 99	154 54	31 02
Green	13,989 81			70 81	17 58	356 04	37 95
Grant	4,508 00						
Iowa	7,569 02						
Jefferson	10,453 52			22 60	6 90	169 09	28 42
La Fayette	19,928 87					9 54	2 04
Manitowoc	4,824 50						
Racine	4,807 28	161 80	55 03		99 47	28 73	52 55
Rock	13,541 67	234 00	62 95	258 40	229 81	384 68	330 10
Richland	10,983 96					190 90	12 72
Walworth	6,733 32	80 27	21 51		25 13	179 62	67 39
Winnebago	15,906 71			408 55	106 90	166 65	146 58
Washington	3,760 96					223 91	52 40
Waukesha	6,418 24	1,015 96	215 01	984 50	371 78	16 70	308 08
	186,761 60	1,757 37	365 07	2,359 15	1,072 15	2,652 72	1,538 18

Amount of principal paid in 1850	1,757 37
do do do 1851	7,359 15
do do do 1852	2,652 72
do do do 1853	7,707 07
do do do 1854	11,536 76
do do do 1855	7,646 27
	33,659 34

University Lands.

pr'l paid 1853	I'nt. paid 1853	pr'l paid 1854	I'nt. paid 1854	prin'l paid 1855	Int'est paid 1855	In.&prin. paid for '56 in '55	Bal. due Jan. 1st 1856.
		523 62	87 30	563 60	431 08		7,768 00
443 22	170 66	894 36	413 23	759 99	436 69	24 71	6,502 00
				247 11	45 79		2,140 00
1,496 83	730 19	1,338 44	1,071 57	162 00	1,129 69		16 173 72
526 85	584 25	511 14	946 17	493 00	928 02		13,495 03
104 06	136 27	329 46	259 64	301 82	435 86		6 755 00
282 80	169 37	512 38	371 03	658 78	601 68	45 36	12,109 00
		1 301 00	53 04	67 00	219 80		3,140 00
125 66	49 00	744 74	348 03	157 62	457 16		6,541 00
901 37	506 30	105 69	618 65	470 77	591 88	7 56	8,784 00
632 18	185 07	1,793 15	913 12	1,531 00	1,205 62	30 17	15,963 00
62 64	11 56	597 90	93 64	405 96	194 06		3,758 00
295 85	214 03		352 58		302 46		4 320 90
1,004 48	668 32	863 30	719 71	262 00	724 81		10,534 83
303 23	203 94	1,277 83	511 65	366 00	621 76	50 18	8,846 00
282 06	235 07	139 37	287 57	410 00	322 71		5,642 00
334 17	326 96	404 72	462 71	609 62	775 91	221 76	13,983 00
675 05	196 40	123 00	191 73		191 73		2,739 00
236 62	301 09	76 66	285 95	180 00	265 38		3,907 90
7,707 07	4,688 48	11,536 76	7,987 32	7,646 27	9,882 09	379 74	153,102 28

Amount of Interest paid in 1850.....	365 07
do do do 1851.....	1 072 15
do do do 1852.....	1,538 18
do do do 1853.....	4,688 48
do do do 1854.....	7,987 32
do do do 1855.....	9,882 09
do do do 1856 paid 1855.....	379 74

25,913 03

"G."

Payments in full on Sale's Books not on Treasurer's Books.

County.	Names.	Date of Payment.	Description.	T	R	S	Amount.
Bad Ax.	S. Harding.	July 16, 1852.	se q of se q.	12	4	8	50 30
Columbia	Augustus V. Smith.	May 9, 1854.	lot 1.	10	9	16	55
do	Nathan H. Wood.	December 17, 1852	lots 11 and 12	12	9	16	12 80
Clarke	Charles L. Loyd	November 17, 1855	lots 14 and 15	27	2	16	123 20
Dodge	Luding Taenicke.	August 20, 1853.	lot 9	12	16	16	34 51
Dunn	Seny Curtiss.	November 23, 1855	se fraction qr.	25	3	16	161 52
Dane	Hopkins & Lee.	do 1854	lots 3 and 4, balances.	7	9	16	46 15
Fond du Lac	Ed. Bonner.	June 8, 1853.	lot 16.	13	18	16	99 00
Iowa	L. Bartlett.	July 6, 1854.	whole section balance.	8	4	16	844
Jefferson	John C. Post.	July 19, 1854.	lot 2.	7	15	7	41
La Fayettee	Abram Sooney.	January 1, 1853.	six ten acre lots.	1	1	16	138
do	Thomas Phillips.	do 13, 1853.		2	1	16	158
do	John Kelley.	October 19, 1853.	sw qr of se qr.	1	4	34	50 08
do	G. Sutler.	do do	sw qr of nw qr and nw qr of nw qr.	1	4	34	100 16
do	J. Welch.	do do	sw qr of ne qr.	2	2	20	50 08
do	G. Sutler.	do do	ne qr of ne qr and se of ne qr.	1	4	33	100 16
do	A. O. Neil.	do do	se qr.	2	2	18	200 32
do	John Burnett.	do do	ne and nw ne and sw ne and nw of se.	3	2	19	240 32
do	T. W. Westrope.	do do	sw qr of sw qr.	3	2	5	50 08
do	F. Mehan.	do do	ne nw and nw of nw.	3	3	12	100 16
do	S. McDermot.	do do	ne sw and nw sw	3	3	12	100 16
do	John Cline.	January 2, 1852.	lot 4.	3	4	16	50 38
La Crosse.	Byron Vleits.	Sept. 17, 1852.	ue ne (patent to M. Palmer).	17	6	34	47 18
do	James Harris.	do do	nw ne (do)	17	6	34	47 18
do	F. A. Reblee.	January 12, 1854.	sw sw (V. Walker).	16	7	4	50 40
do	Byron Vleits.	December 24, 1855	nw qr of se qr.	17	6	36	50 40
Richland	G. W. Williston.	March 1, 1854.	lots 7 and 8, block 78, lots 7 and 8, block 83.	10	1	16	17 32
do	A. L. Elders.	October 12, 1853.	ne se se se.	9	1	28	161 65

"H."

A Statement showing the Principal and Interest claimed to have been paid by Ludington, and also what appears to have been paid on the Treasurer's Books.

Counties.	Prin. & Int. from Treas.'s Books.		Principal & Interest according to Ludington's Statement.	
	Principal.	Interest.	Principal.	Interest.
Bad Ax.....	461 70	233 32	461 70	235 06
Brown.....	170 68	65 24	65 34	266 02
Calumet.....	395 70	287 19	395 70	287 19
Columbia.....	.....	.....	270 77	111 30
Crawford.....	126 94	61 10	126 94	61 10
Dane.....	.....	.....	97 83	37 80
Door.....	350 48	130 48	385 46	143 38
Fond du Lac.....	.....	20 47	175 00	95 43
Giant.....	343 26	134 14	343 26	134 14
Green.....	23 46	7 81	118 72	44 72
Iowa.....	10 56	3 68	1620 52	645 97
Jefferson.....	27 00	11 20	33 60	13 90
Kewaunee.....	383 69	148 31	383 69	148 31
La Crosse.....	392 40	175 62	392 40	175 62
La Fayette.....	46 15	16 03	224 73	87 24
Manitowoc.....	.....	42 63	13 02	46 90
Marquette.....	920 15	361 45	920 15	361 45
Outagamie.....	15 18	23 37	15 18	23 37
Polk.....	888 83	340 91	894 45	343 06
Portage.....	50 59	19 72	50 59	19 72
Richland.....	1256 29	459 29	1136 18	432 35
Sauk.....	87 50	37 48	104 75	42 47
Sheboygan.....	.....	.....	104 06	43 16
St. Croix.....	.....	44 65	.....	44 65
Waukesha.....	22 80	8 60	22 80	8 60
Waushara.....	615 92	230 48	615 92	230 48
Waupacca.....	350 22	141 89	350 22	141 89
Winnebago.....	172 79	72 35	172 79	72 35
Richland Centre.....	.....	.....	120 05	26 94
	7,112 29	3,077 41	9,721 16	4,123 89

Fines.

Page.	Counties.	1851	1852	1853	1854	1855
71 and 275	Adams.....	-----	-----	-----	24 50	6 00
295	Bad Ax.....	-----	-----	5 88	-----	-----
79	Brown.....	-----	-----	-----	39 20	-----
337	Buffalo.....	-----	-----	-----	-----	10 00
441 and 243	Crawford.....	-----	10 29	-----	-----	38 50
243-293-133-441	Columbia.....	-----	86 23	159 89	87 51	328 80
72	Calumet.....	-----	-----	-----	49 00	-----
72-53-79-129-133-479	Dane.....	-----	-----	34 30	121 53	235 61
243-287-59	Dodge.....	-----	228 20	47 04	145 00	-----
291.73.294-69-141-453	Fond du Lac.....	-----	65 00	97 12	171 33	36 86
289 and 70	Grant.....	-----	-----	56 74	253 79	-----
161-243-291-81-275	Green.....	31 36	40 80	29 40	58 80	39 20
249-293-71	Iowa.....	-----	117 68	27 94	154 10	-----
287-73-127	Jefferson.....	-----	-----	78 40	-----	237 10
243-291-401-73	Kenosha.....	-----	75 40	169 30	77 91	18 60
289 and 243	La Crosse.....	-----	-----	9 80	-----	16 00
243-289-69-133	Manitowoc.....	-----	137 20	4 12	189 16	56 06
109	Milwaukee.....	-----	-----	-----	66 25	-----
245	Outagamie.....	-----	10 00	-----	-----	-----
91	Ozaukee.....	-----	-----	-----	-----	140 00
293-71-91-401	Racine.....	-----	-----	73 50	120 54	518 14
243-277-69	Rock.....	-----	35 28	262 96	236 18	172 48
159-293-133	Sauk.....	29 40	-----	73 50	-----	17 50
163	St. Croix.....	19 31	-----	-----	-----	-----
69-293-243-245	Waukesha.....	-----	201 00	40 48	44 10	-----
243-295-247-71	Marquette.....	-----	79 40	25 00	68 60	30 00
70 and 275	Richland.....	-----	-----	-----	10 00	3 25
69-295-453	Washington.....	-----	-----	47 04	67 04	19 11
69	Waushara.....	-----	-----	-----	25 65	-----
71	Waupacca.....	-----	-----	-----	15 19	-----
29-107-109-123	Walworth.....	-----	-----	-----	588 00	32 90
121 and 70	Winnebago.....	-----	-----	-----	24 50	25 64
		80 07	1086 48	1242 41	2637 88	1981 75

RECAPITULATION.

Fines for.....	1851	\$ 80 07
Fines for.....	1852	1,086 48
Fines for.....	1853	1,242 51
Fines for.....	1854	2,637 88
Fines for.....	1855	1,981 75
		\$7,028 59

"L."

*Abstract of Payments from University Fund for Appraising
and Subdividing, Books, Stationery, Printing, &c.*

Date.	Names.	What for.	Dollars.	Dollars.
1850	University Fund.....	Appraising, &c.....	253 40	
1851	.....	.....	35 00	
1852 to 1855	.....	.....	100 32	
1855	.....	.....	147 00	535 72
1851	University Fund.....	Books and Binding...	55 00	
1852 to 1855	.....	.....	5 00	
1855	.....	.....	122 00	182 00
1853	University Fund.....	Printing.....	3 25	3 25
1852 to 1854	University Fund.....	Advertising, &c.....	42 50	
1854	.....	.....	3 85	
1855	.....	.....	46 90	93 25
Total Amount	.....	.....	.....	1,135 97

"M."

Abstract of Payments from School Fund and School Income Fund from 1849 to 1855, inclusive.

Date.	Names.	What for.	Dollars.	Dollars.
1850	School Income.....	Apportionments.....	497 39	383,284 14
1851	.....	.....	46,985 70
1852	.....	.....	53,613 12
1853	.....	.....	55,816 74
1854	.....	.....	96,113 69
1855	.....	.....	130,257 52
1850	School Income.....	Printing.....	626 80	1886 06
1851	.....	.....	1,259 26
1851	School Income.....	Platting.....	164 50	493 30
1852	.....	.....	328 80
1850	School Income.....	Trans. of Books, &c...	237 61	344 36
1851 to '55	.....	.....	106 75
1850	School Income.....	Stationery and Books.	880 10	1887 09
1851	.....	.....	748 99
1852	.....	.....	258 00
Total Am't.	387,943 35
1849	School Fund.....	Subd'ing and App'ing	951 75	35,032 55
1850	.....	.....	2466 46
1851	.....	.....	6302 14
1852	.....	.....	3743 06
1853	.....	.....	7800 00
1854	.....	.....	6938 26
1855	.....	.....	6830 88
1852	School Fund.....	Printing.....	583 35	5,917 46
1853	.....	.....	412 44
1854	.....	.....	3046 93
1855	.....	.....	1874 74
1852 & 1853	School Fund.....	For Stationery.....	245 00	
1854	2515 00	3,768 75
1855	.....	.....	1008 75
Total Am't.	44,718 76

“N.”
Abstract of Loans from the School Fund.

County.	Amount of Loan.	Amount of payments.	Int. paid 1849	Int. paid 1850	Int. paid 1851	Int. paid 1852	Int. paid 1853	Int. paid 1854	Int. paid 1855	Int. paid 1856
Adams.....	700 00									
Brown.....	3,552 00	300 00			8 38	83 50	112 99	222 32	41 58	
Calumet.....	200 00								148 40	
Clark.....	500 00									
Columbia.....	18,706 50	1387 50		57 75	85 78	178 40	247 22	883 03	1211 45	42 00
Dane.....	64,887 00	8985 00		1084 50	1315 83	626 61	2415 12	3013 34	3383 32	54 46
Dodge.....	15,656 00	200 00		276 50	168 00	409 19	389 45	656 67	993 15	14 00
Fond du Lac..	12 126 00	1750 00		288 75	194 78	304 99	460 95	524 84	632 42	7 00
Grant.....	8,775 00	125 00			40 43	63 00	101 97	268 37	545 44	35 00
Green.....	7,248 00	950 00			146 30	200 56	237 22	288 05	407 63	
Iowa.....	9,422 00				27 81	68 30	114 76	299 89	485 97	
Jefferson.....	13,671 87	2002 14		238 14	137 96	332 77	274 45	596 74	773 50	
Kenosha.....	3,667 50	794 00		228 72	53 65	279 18	194 20	184 14	186 28	
La Crosse.....	8,000 00	1150 00				27 00	82 53	281 37	441 31	35 00
La Fayette.....	12,020 00	1010 00			97 10	239 54	267 06	531 69	768 43	
Manitowoc.....	2,781 00	350 00			14 84	49 30	89 22	143 25	157 26	
Marquette.....	9,052 50	1000 00		120 75	43 66	146 22	193 66	384 19	449 83	7 00
Milwaukee.....	17,083 00	3021 63		424 46	275 48	351 14	846 29	640 58	964 97	
Outagamie.....	1,200 00								51 07	
Ozaukee.....	2,650 00						17 19	89 00	172 82	
Pierce.....	700 00							30 50	49 00	
Portage.....	2,400 00							16 88	148 37	70 00
Racine.....	22,250 00	3225 00	588 00	1344 00	481 37	1453 61	1402 76	1144 71	1449 61	
Richland.....	1,650 00						11 04	52 50	106 73	
Rock.....	14,200 00	1000 00		283 50	173 50	356 49	471 32	544 10	762 53	52 50
Sauk.....	3,550 00						54 60	140 72	215 52	
St. Croix.....	568 00							13 80	36 50	

Sheboygan...	6,075 00	725 00	.....	35 00	92 12	122 82	126 66	290 50	336 45	.....
Walworth....	14,021 00	1966 00	.....	337 12	332 12	378 85	439 76	621 02	786 95	.....
Washington..	12,975 00	1700 00	.....	222 25	152 39	388 21	550 46	630 50	548 27	35 00
Waukesha...	25,290 00	1105 00	.....	544 95	123 03	615 20	711 17	1021 24	1449 90	28 00
Waupaca....	1,925 00	.....	.....	.....	.....	.....	5 10	95 54	114 50	56 00
Waushara...	250 00	.....	.....	.....	.....	.....	.....	.....	13 50	.....
Winnebago...	6,885 00	690 00	.....	.....	45 36	63 35	133 35	236 57	345 70	35 00
	324,637 37	33,436 27	588 00	5,486 39	4,009 89	6,738 23	9,950 50	13,845 05	18,378 36	470 96
D'uct for pay'ts.	33,436 27									
	291,201 10									

"N."—Continued.

An Abstract of Mortgaged Securities sold and New Mortgages taken to be deducted from outstanding

Counties.	Names.		By whom purchased.
Fond du Lac	O. B. Tyler	350 00	E. Mariner
Marquette	Mary L. Harris	250 00	H. Quarles.
Milwaukee	G. B. Boyd	500 00	E. Mariner.
Waukesha	Joseph Kay	200 00	H. Quarles.
do	E. B. Kelsey	200 00	H. Quarles.
Winnebago	Jas. A. Chesley	100 00	M. J. Mead.
		1600 00	
<i>Mortgaged Securities sold, but still retained in general footing.</i>			
Dane	Abraham Wolf	100 00	Purchased by the State.
do	Edward Campbell	350 00	
Marquette	H. C. Cansdell	200 00	
Dodge	Michael Graves	125 00	
Milwaukee	A. Bryant	500 00	E. B. Kelsey.
Waukesha	A. W. Hackley	400 00	
do	W. McNaughton	500 00	
Marquette	N. M. Marsh	258 00	
Sheboygan	Z. J. Mills	200 00	J. A. L. Talmadge.
Washington	Winfield Smith	300 00	Jno. French.
		2933 00	

An Abstract of Loans from the University Fund.

County.	Amount of Loan.	Amount of Payments.	Int. paid 1849	Int. paid 1850	Int. paid 1851	Int. paid 1852	Int. paid 1853	Int. paid 1854	Int. paid 1855	Int. paid 1856
Columbia	1,300 00					17 70	21 00	82 26	91 00	
Calumet	825 00							47 15	29 75	
Dane	3,025 00	250 00			3 17	31 50	38 28	175 12	175 00	
Dodge	700 00				6 36	14 00	14 00	40 92	49 00	
Fond du Lac	525 00				15 75	15 75	15 75	32 40	36 75	
Greene	400 00							22 95	28 00	
Iowa	800 00							44 25	56 00	
Jefferson	250 00				5 36	17 50	17 50	17 50	17 56	
Richland	750 00							41 11	52 50	
Rock	1,650 00			10 50	10 50	10 50	10 50	94 52	115 50	
Washington	750 00*				13 33	35 00	37 03	42 00	42 00	
Waukesha	1,820 00	200 00		57 40		69 02	119 72	115 53	78 40	
Winnebago	500 00				8 75	21 00	21 00	10 50	56 00	
Loans Paid..	13,295 00	450 00		67 90	63 22	231 97	294 78	766 21	827 46	
Outstanding.	12,845 00									
* G. W. WAUGH, in Washington county, 150 00, foreclosed and purchased by State, September 26, 1853, included.										
Interest in..... Interest in..... Interest in..... Interest in..... Interest in.....										1850 67 90 1851 63 22 1852 231 97 1853 294 78 1854 766 21 1855 827 46 2,251 54

"P."

A Statement of Apportionments of the "School Income" to the various Counties.

Dates.	Counties.	Page.	What for.	Dollars. Cts.	Dollars. Cts.
1850					
Feb. 12	La Fayette	1	School Apportionment.	24 33	
21	Crawford	1	do	2 84	
25	Sauk	1	do	6 88	
Mch. 1	Green	1	do	19 56	
8	Sheboygan	1	do	21 94	
	Iowa	1	do	14 45	
	Columbia	1	do	11 09	
9	Walworth	1	do	47 28	
16	Rock	1	do	46 75	
April 1	Dane	1	do	32 44	
12	Fond du Lac	1	do	23 02	
13	Waukesha	1	do	28 94	
	Jefferson	1	do	29 46	
May 11	Grant	1	do	38 38	
31	Calumet	1	do	3 25	
Oct. 18	Washington	1	do	44 20	
Jan. 31, '51	Dodge	1	Paid in 1851	40 40	
Feb. 8	Kenosha	149	do	29 83	
	Racine	149	do	32 35	
1851					497 39
Feb. 11	Brown	149	do	757 71	
	Calumet	149	do	191 08	

-----	Columbia	149	do	1213	56
-----	Crawford	149	do	210	39
-----	Dane	149	do	2737	11
-----	Dodge	149	do	3214	80
-----	Fond du Lac	149	do	2133	88
-----	Grant	149	do	2527	73
-----	Green	149	do	1363	98
-----	Iowa	149	do	1190	18
-----	Jefferson	149	do	2555	17
-----	Kenosha	149	do	1951	96
-----	La Fayette	149	do	1431	57
-----	Manitowoc	149	do	85	88
-----	Marquette	149	do	778	55
-----	Milwaukee	149	do	4998	55
-----	Portage	149	do	56	92
-----	Racine	149	do	2485	04
-----	Richland	149	School Apportionment.	143	82
-----	Rock	149	do	3804	30
-----	St. Croix	149	(Forfeited.)	19	31
-----	Sauk	149	School Apportionment.	903	83
-----	Sheboygon	149	do	1480	86
-----	Walworth	149	do	3370	81
-----	Washington	149	do	3061	32
-----	Waukesha	149	do	3261	05
-----	Winnebago	149	do	1179	51
-----	Marquette	149	App'ment for 1850....	7	45
-----	Manitowoc	149	do	1	78
-----	Milwaukee	149	do	68	10
-----	Columbia	442	Apportionment.....	1476	96
-----				46,985	70
-----	Mch. 11				
-----	17				
-----	1852				
-----	Mch. 16				

"P."—Continued.

A Statement of Apportionments of the School Income to the various Counties.

Dates.	Counties.	$\frac{\$}{\text{Ch}}$	What for.	Dollars. Cts.	Dollars. Cts.
-----	Dane -----	442	Apportionment.....	2076 00	
-----	Grant -----	442	do	2628 43	
-----	Green -----	442	do	1845 60	
-----	Jefferson -----	442	do	1983 84	
-----	Kenosha -----	442	do	1868 64	
-----	Marquette -----	442	do	1333 44	
-----	Milwaukee -----	442	do	4972 80	
-----	Racine -----	442	do	2741 76	
-----	Rock -----	442	do	3702 24	
-----	Sauk -----	442	do	905 76	
-----	Sheboygan -----	442	do	1814 40	
-----	Waukesha -----	442	do	2048 16	
-----	Winnebago -----	442	do	1441 92	
-----	Iowa -----	442	do	1688 16	
-----	Washington -----	446	do	3721 92	
April 1	Dane -----	446	do	1196 16	
-----	Outagamie -----	446	do	373 44	
3	Waukesha -----	446	do	1547 04	
-----	Dodge -----	446	do	3322 56	
-----	Brown -----	446	do	722 40	
5	Richland -----	446	do	218 88	
-----	Fond du Lac -----	446	do	2504 16	

15	Grant	446	do	152 16
16	Calumet	446	do	273 80
19	Manitowoc	446	do	415 20
16	Bad Ax	446	do	162 72
17	Crawford	446	do	188 16
24	Jefferson	446	do	754 56
21	St. Croix	446	do	140 64
June 15	La Fayette	446	do	1984 80
Dec. 26	Walworth	478	do	3406 56
1853.				
Feb. 8	La Crosse	502	For 1852	11 04
Mch. 16	Milwaukee	502	School Apportionment.	5047 65
	La Crosse	502	do	188 10
	Dane	502	do	3587 85
17	Jefferson	502	do	2805 30
	Walworth	502	do	3158 10
	Sauk	502	do	1040 85
23	Grant	502	do	2813 40
	Iowa	502	do	1723 95
	Sheboygan	502	do	1999 35
	Rock	502	do	3764 25
	Calumet	502	do	310 95
	Manitowoc	502	do	571 50
24	Columbia	502	do	1637 55
	Kenosha	502	do	1793 25
	Dodge	502	do	3414 60
	Racine	502	do	2849 85
29	Marquette	502	do	1279 80
	Waukesha	502	do	3560 85
	Outagamie	502	do	410 85
				53,613 12

"P."—Continued.

A Statement of Apportionments of the School Income to the various Counties.

Dates.	Counties.	Page	What for.	Dollars. Cts.	Dollars. Cts.
Mch. 26.---	Green.	502	School Apportionment.	1853 55	
--- 30.---	Washington.	502	do	3928 05	
April 1.---	Crawford.	502	do	191 25	
---	Brown.	59	do	600 30	
---	Richland.	59	do	255 15	
---	Winnebago.	59	do	1426 05	
---	Fond du Lac.	59	do	713 35	
---	Waupaca.	59	do	195 15	
May 7.---	St. Croix.	59	do	90 45	
--- 7.---	Fond du Lac.	59	do	1939 05	
April 12.---	Oconto.	59	do	135 00	
May 16.---	Washara.	59	do	123 65	
---	Bad Ax.	59	do	204 75	
June 18.---	La Fayette.	59	do	1999 80	
May 29.---	Brown.	59	do	106 65	
July 19.---	Town of Ashippun.	87	do	85 50	
1854.					55,816 4
Mch. 14.---	Columbia.	138	do	3191 04	
--- 15.---	Jefferson.	138	do	222 72	
--- 16.---	Dane.	138	do	6567 12	
---	Calumet.	138	do	642 96	
--- 18.---	Rock.	138	do	6320 88	

20	Washington	138	do	4039
21	Iowa	138	do	2542
	Fond du Lac	138	do	4595
	Dodge	138	do	6212
	Racine	138	do	4855
	Waukesha	138	do	5848
22	Bad Ax.	138	do	452
	Ozaukee	138	do	2675
	Walworth	138	do	4975
24	Green	138	do	3211
	Sauk	138	do	2048
	Grant	138	do	4888
	Marquette	138	do	2593
	Winnebago	138	do	2765
	Milwaukee	138	do	5497
	Kenosha	138	do	3019
	Richland	138	do	514
	Crawford	138	do	485
April 1	Washara	138	do	359
	Waupacca	138	do	497
	Sheboygan	138	do	8605
May 20	St. Croix	138	do	174
April 20	Portage	138	do	224
May 13	Adams	138	do	285
June 17	La Fayette	138	do	3378
30	Outagamie	335	do	702
Aug.	Milwaukee	345	do	887
Oct.	Washara	361	do	196
	Milwaukee	361	do	1556
	Manitowoc	361	do	1233
	App'ment School Fund.			
			do	31
			do	68
			do	00
			do	36

"P."—Continued.

A Statement of Apportionments of the School Income to the various Counties.

Dates.	Counties.	Pa ge	What for.	Dollars. Cts.	Dollars. Cts.
1855	Polk, (this amount charged twice, page 361, 1854 and 148, 1855.)		App'ment School Fund.	51 12	96,113 67
Jan. 1	Oconto	64	For 1854.	230 40	
Feb. 13	Iowa	64	do	521 33	
3	Ozaukee	138	do	253 03	
9	Outagamie	138	do	702 00	
14	La Crosse	138	do	302 40	
22	Milwaukee	138	do	1193 62	
Mch. 16	Brown	142	do	1113 12	
22	Dane	146	For 1855.	7841 50	
	Green	148	do	3858 36	
	Dodge	148	do	8063 68	
21	Racine	148	do	5789 56	
	Waukesha	148	do	6924 61	
	Sauk	148	do	2836 01	
22	Polk, (page 361 in 1854.)	148	For 1854, duplicate	3635 38	
	Marquette	148	For 1855	3632 16	
	Winnebago	148	do	3629 74	
	Kenosha	148	do	5837 05	
	Fond du Lac	148	do	3698 97	
	Iowa	148	do	10,576 09	
	Milwaukee	148	do		

Walworth	148	do	6137 32
Calumet	148	do	858 13
Jefferson	148	do	6282 22
Rock	148	do	7591 15
Grant	148	do	5981 94
Ozaukee	148	do	3479 21
Washington	150	do	5063 45
Richland	150	do	753 48
Crawford	150	School Apportionment.	613 41
Sheboygan	150	do	4636 80
Brown	150	do	1398 43
Washara	150	do	1033 62
Marathon	150	2 years	97 90
Outagamie	150	do	1002 22
Adams	150	do	743 82
Bad Ax	150	do	715 64
La Fayette	150	do	4219 81
Manitowoc	150	do	1995 59
Columbia	150	do	4237 52
La Crosse	150	do	660 10
St. Croix	150	do	287 38
Oconto	150	do	358 22
Pierce	152	do	106 26
Town of Sullivan	152	do	72 00
Waupacca	154	do	660 90
Pierce	154	For 1854	70 56
Trempeleau	458	For 1855	60 38
Portage	458	do	383 18
Jackson	460	do	107 87
April 2		Total Amount	130,257 52
June 27			383,284 14
July 16			
Sept. 5			
July 21			

A Statement of the Costs of Printing for the School Land Office, &c.

Date.	Names.	Page.	What for.	Dollars.	Remarks.
1852					
Feb. 2	Beriah Brown.	18	Printing.	120 00	
Jan. 23	F. G. Mills.	240	do	8 00	
Feb. 11	J. N. Seaton	240	do	5 00	
20	Beriah Brown.	242	do	100 00	
18	Barton & Banell.	242	do	22 50	
	Fratney & Hatsburg.	242	do	36 50	
Mch. 19	C. T. Wakeley.	248	do	150 35	
June 18	W. W. Noyes & Co.	252	do	12 00	
	Delaney & Brothers.	252	do	15 00	
24	E. Beeson.	252	do	10 00	
23	Amos Reed & Bro.	252	do	9 60	
29	George Burnside.	252	do	10 00	
	V. Kohlman & Co.	252	do	10 00	
	McElvoy & Crowley.	252	do	10 00	
Aug 12	Baldwin & Shenan.	258	do	8 40	
July 8	Robinson & Bro.	258	do	12 00	
6	Ryan & Bro.	258	do	12 00	
	Ryan & Bro.	260	do	12 00	Duplicate.
	Robinson & Bro.	260	do	12 00	do
14	C. W. Fitch.	260	do	10 00	585 35
1853					
Jan. 26	David McKee.	278	do	5 00	
15	Geo. H. Paul.	286	do	6 00	
May 11	"Sauk Co. Standard"	2	Advertising, &c.	8 00	3d Book.

sd Book.	Advertising, &c.			
9 00	do	2	"River Times,"	May 14
7 00	do	2	"Republic,"	.....
8 00	do	2	"Messenger,"	.....
8 80	do	2	"Marquette Mercury,"	16
8 00	do	2	"National Democrat,"	.....
10 00	do	2	"Oshkosh Courier,"	23
10 00	do	2	"National Gazette,"	.....
10 00	do	2	"Oshkosh Democrat,"	.....
7 45	do	2	"Green Bay Advocate,"	.....
20 00	do	2	Robinson & Bro.	25
7 35	do	2	"Fountain City Herald,"	June 1
7 86	do	2	"Appleton Crescent,"	.....
10 00	do	2	Stevens & Rogers	Aug 10
6 60	do	16	C. W. Fitch	July 11
5 00	do	16	F. A. Utter	Sept. 7
5 25	do	16	F. A. Utter	.....
20 05	do	16	L. C. Cary	.....
8 65	do	16	L. C. Cary	.....
19 60	do	16	O. J. Wright	.....
10 00	do	16	Delaney & Brown	.....
26 00	do	16	D. C. Brown	8
48 80	do	16	Shoefler & Wendt	.....
9 05	do	16	E. C. Hull	9
5 25	do	16	E. C. Hull	.....
4 25	do	16	E. C. Hull	.....
35 00	do	16	Shaw & Hyer	29
5 00	do	16	E. B. Quiner	Oct. 24
7 20	do	16	E. B. Quiner	Nov. 2
6 38	do	16	"Monroe Sentinel"	21
6 85	do	18	F. A. Utter	28

A Statement of the Cost of Printing for the School Land Office, &c.,—Continued,

Date.	Names.	Page.	What for.	Dollars.	Remarks.
Oct. 24	Hall & Johnson	2	Advertising, &c.-----	8 25	2d p. 4th book.
Nov. 2	"Hudson Journal"	2	do	9 60	
21	Robinson & Bro.	2	do	13 20	
28	W. M. Matz	2	do	6 60	
Oct. 1854	W. M. Matz	2	do	5 40	
Jan. 4	J. H. Mills	54	do	13 20	281 98
	J. H. Mills	54	do	8 50	
	E. Bezan	54	do	6 20	
17	Irachin & Company	54	do	5 00	
10	J. Crowley	54	do	5 00	
14	H. D. Brown	54	do	16 25	
	W. W. Noyes	54	do	6 00	
	E. C. Hull	54	do	8 10	
	H. D. Barron	54	do	8 65	
	G. H. Paul	54	do	7 00	
19	D. C. Brown	54	do	8 00	
21	F. J. Mills	56	do	13 70	
28	C. W. Fitch	56	do	4 00	
	C. W. Fitch	56	do	2 50	
	Seaton & Paul	56	do	7 20	
	Seaton & Paul	56	do	4 00	
	Seaton & Paul	56	do	6 60	
	Reed & Nevitt	56	do	3 30	

	Advertising, &c.....	
.....	do	6 00
.....	do	5 44
.....	do	4 24
Feb. 8....	do	6 80
.....	do	3 50
.....13....	do	8 00
.....	do	25 90
.....28....	do	3 00
.....10....	do	7 00
.....22....	do	6 00
Mch. 2....	do	892 40
Feb. 6....	do	4 00
Mch. 1....	do	4 00
.....30....	do	7 20
..... 9....	do	97 85
..... 4....	do	3 60
.....30....	do	9 20
.....	do	9 60
.....	do	8 65
June 29....	do	645 00
May 5....	do	12 50
Sept. 25....	do	320 00
.....	do	300 00
Oct. 1....	do	18 25
.....23....	do	42 75
.....	do	18 75
.....	do	4 25
Nov. 1....	do	7 25
.....	do	48 75
..... 2....	do	55 25
.....	do	

A Statement of the Cost of Printing for the School Land Office, &c.,—Continued.

Date.	Names.	Page.	What for.	Dollars.	Remarks.
Nov. 3	Ryan & Co.	122	Advertising, &c.	4 25	
4	J. Quintus	122	do	8 25	
	Stout & Tenney	122	do	3 25	
16	A. C. Holt.	122	do	5 20	
	A. C. Holt.	124	do	7 25	
22	D. C. Brown	124	do	31 25	
24	J. Daith	124	do	31 00	
	Hurd & Johnson	124	do	18 80	
	J. A. Brown	124	do	19 90	
27	W. C. Rogers	124	do	7 45	
29	Grey & Nimicks	124	do	17 25	
	O. J. Wright	124	do	14 75	
Dec. 1	B. Brown	124	do	107 50	
8	Thomas & Reid	124	do	8 75	
	R. L. Graves	124	do	7 25	
8	Robinson & Brothers	124	do	19 00	
	Ryan & Co.	124	do	4 25	
20	A. F. Pratt	64	do	7 75	
1855					1855 Book. 427 10
Jan. 15	Utter	64	do	13 00	
3	E. R. Otis	64	do	64 00	
15	J. M. Coe	136	do	4 00	
Feb. 6	W. M. Watt	138	do	4 00	
	R. Neneeth	138	do	16 25	

10	Cairtus	140	Advertising, &c	4 25
27	E. C. Hull	140	do	7 65
22	Thomas A. Reed	142	do	4 25
24	Beriah Brown	146	do	313 00
Ap'l 11	A. C. Holt	148	do	4 65
12	Calkins & Proudft.	152	do	80 00
May 11	Calkins & Proudft.	152	do	50 00
11	Calkins & Proudft.	152	do	25 68
Feb. 5	E. B. Kelsey	152	do	11 20
8	D. C. Brown	152	do	5 80
8	W. E. Cramer	152	do	42 35
15	A. F. Pratt	152	do	4 25
June 22	D. S. Wright	154	do	5 85
	J. Quintus	154	do	7 45
	E. C. Hull	154	do	10 85
	R. L. Gove	154	do	31 05
Mch 1	Wm. E. Cramer	154	do	36 85
July 28	Calkins & Proudft.	458	Printing	159 00
23	John A. Brown	458	do	8 40
	O. A. Stafford	458	do	17 25
	Wm. E. Craft	458	do	7 25
	James Crowley	458	do	8 00
Aug 22	Calkins & Proudft.	458	do	80 00
Sept. 3	Wm. C. Rogers	460	do	4 00
5	Calkins & Proudft.	460	do	30 00
Oct. 8	A. F. Pratt	472	do	5 05
Sept. 9	Calkins & Proudft.	472	do	50 00
Nov. 14	Calkins & Proudft.	472	do	44 40
5	Calkins & Proudft.	472	do	40 00
Dec. 1	Calkins & Proudft.	472	do	40 00

A Statement of the Cost of Printing for the School Land Office, &c.,—Continued.

Date.	Names.	Page.	What for.	Dollars.	Remarks.
Dec. 10....	Calkins & Proudfit.....	474	Printing-----	40 00	
.... 12....	Calkins & Proudfit.....	474	do	130 00	
.... 24....	Calkins & Proudfit.....	474	do	170 00	
.... 28....	Shaver.....	474	do	385 00	
Oct. 10....	J. Crowley.....	474	do	10 00	1,224 65
				\$5,919 46	\$ 599 46

A Statement of the Cost of Printing from the "Income Fund."

Date.	Names.	Page.	What for.	Dollars.	Cts.	Remarks.
1850						
May 1	Geo. Hyer	4	Advertising, &c.	101	50	
15	"Western Star."	12	do	10	70	
24	"Kenosha Telegraph,"	19	do	6	60	
	"Kenosha Democrat,"	19	do	4	20	
	C. C. Sholes	19	do	4	00	
June 1	Langland & Halstead	23	do	3	65	
	"Norwegian Paper,"	23	do	5	50	
	E. Bliss	23	do	5	00	
	Bunner & Stafford	23	do	17	00	
15	"Free Democrat,"	49	do	9	00	
	"Commercial Advertiser,"	49	do	21	00	
	"Sentinel & Gazette,"	49	do	21	00	
	"Wisconsin,"	49	do	21	00	
	"Volks Friend,"	49	do	16	00	
	"Wisconsin Banner,"	49	do	16	00	
July 16	"Rock County Badger,"	53	do	9	75	
	"Janesville Gazette,"	53	do	8	25	
	"Beloit Journal,"	53	do	8	25	
	"Wisconsin Banner,"	53	do	6	00	
26	"Volks Friend,"	67	do	14	00	
	"Wisconsin Banner,"	67	do	14	00	
	"Washington Blade,"	67	do	13	50	
Aug. 10	"State Register,"	75	do	14	25	
	"Wisconsin Banner,"	75	do	6	75	

A Statement of the Cost of Printing from the "Income Fund."—Continued.

Date.	Names.	Page.	What for.	Dollars.	Cts.	Remarks.
-----	"Volks Friend,"	75	Advertising.	11	00	-----
-----	"Watertown Chronicle,"	89	do	15	00	-----
-----	"State Register,"	89	do	14	25	-----
-----	"Wisconsin Banner,"	89	do	11	00	-----
-----	"Volks Friend,"	89	do	12	00	-----
-----	"Sheboygan Mercury,"	99	do	6	60	-----
Sep. 10	"Sheboygan Democrat,"	99	do	6	50	-----
-----	"Sheboygan Newsbode,"	99	do	6	50	-----
-----	"Wisconsin Banner,"	99	do	5	25	-----
-----	"Fountain City,"	103	do	10	80	-----
-----	"Fond du Lac Journal,"	103	do	9	00	-----
-----	"Wisconsin Banner,"	103	do	8	00	-----
Oct. 10	do	117	do	8	00	-----
-----	"River Times,"	117	do	9	00	-----
-----	do	123	do	14	00	-----
-----	J. L. Enos	129	do	4	00	-----
-----	"Norwegian Paper,"	129	do	5	00	-----
-----	"Wisconsin Express,"	129	do	4	00	-----
Dec. 1851	Beriah Brown	145	Printing	120	00	-----
-----					80	626 80
Mch. 1	"Oshkosh Democrat,"	149	Advertising, &c.	5	00	-----
-----	Wyman & Sons.	149	do	5	00	-----
Apr. 14	Fratney & Hatsburg.	225	do	5	00	-----
May 1	Beriah Brown	225	Printing	400	00	-----

.....3-----	Green County	229	Advertising	5 18	-----
June 5-----	Lafayette County.....	229	do	5 18	-----
-----	"Potosi Republic,"	241	do	20 00	-----
July 4-----	J. L. Marsh.....	241	do	5 00	-----
-----	Beriah Brown	253	do	661 00	-----
July 4-----	E. B. Quiner	257	do	24 75	-----
-----	J. A. Hadley	257	do	16 80	-----
-----	E. Bezan.....	259	do	15 40	-----
-----	James Densmore	259	do	15 40	-----
-----	E. Edwards	259	do	13 00	-----
-----	Edwards & Cooley	259	do	8 40	-----
Aug. 7-----	Robinson & Bro.	267	do	9 00	-----
-----	Ryan & Co	267	do	6 00	-----
-----	C. W. Fitch	271	do	9 00	-----
-----	C. Clement.....	271	do	6 40	-----
Sep. 10-----	"Wisconsin Tribune,"	271	do	10 00	-----
Nov 13-----	A. D. La'Due	285	do	8 75	-----
-----	C. Sexton.....	285	do	5 00	-----
-----				1,259 26	-----
-----				1,886 06	-----

A Statement of the Cost of sub-dividing and Appraising University Lands.

Date.	Names and Counties.	Page.	What for.	Dollars. Cts.	Dollars. Cts.
1850					
May 8	Rock County	2	Appraising, &c.	16 40	
Oct. 28	John G. McBride	18	do	202 00	
Apr. 22	L. Preston, Grant county	49	do	15 00	
	C. T. Overton do	49	do	20 00	
1851					253 40
Apr. 10	D. M. Seaver	4	Making Plats.	35 00	35 00
1852					
Jan. 1	C. J. Mayers	14	do	46 20	
May 25	do	18	do	54 12	
1855					100 32
Mch. 5	Henry Wright	2	Platting	132 00	
Aug. 12	J. A. Bronson	36	do	15 00	
1856					147 00
Mch. 31	Simeon Mills	42	Locating.		335 72

Cost of Printing, &c.

Date.	Names.	P age	What for.	Dollars. Cents	Dollars. Cts.
1853					
Sept. 2	F. A. Utter	37	Printing	3 25	3 25
1852					
Nov. 27	Bonner & Harrison	26	Advertising, &c	3 00	
	J. Crowley	26	do	3 00	
	Schoeffler & Wendt	26	do	3 00	
	H. D. Barron & Co	26	do	3 00	
	C. W. Fitch	26	do	3 00	
	Robinson & Brother	26	do	3 00	
	Bird & Vail	26	do	3 00	
	E. B. Quinzy	26	do	3 00	
	V. Kohlman	26	do	3 00	
	John Walworth	32	do	3 00	
Jan. 19	Democratic Standard	32	do	3 50	
Feb. 7	Delaney & Brothers	32	do	3 00	
	16	32	do	3 00	
Mch. 9	Fratney & Hatsburg	32	do	3 00	
	Northern Gazette	38	do	3 00	
1854					42 50
Oct. 23	Coover & Harrison	86	do	3 85	3 85
1855					
Mch. 5	Calkins & Proudft	2	do	40 00	
	J. L. Marsh	2	do	3 05	
	Hurd & Johnson	38	do	3 85	
Oct. 23					46 90

A Statement of Costs for Stationery and Book Binding from "The School Fund."

Date.	Names.	Page.	What for.	Dollars.	Cts.	Remarks.
1852						
Jan. 23	School Fund Journal.	240		22	00	
Mch. 5	Weed & Eberhard.	242	Stationery, &c.	3	00	
Aug. 24	do	260	do	25	00	
Oct. 4	do	264	do	56	00	
July 15	do	16	do	25	00	
Aug.	do	16	do	84	00	3d Book.
Nov. 9	do	2	do	30	00	4th Book.
.....9	do	2	do	100	00	
1854						
Jan. 10	do	54	do	154	50	345 00
Mch. 31	Whittemore & Co.	80	do	25	00	
.....30	Weed & Eberhard.	84	do	44	00	
.....3	do	98	do	77	00	
July 3	do	108	do	550	00	
Nov. 10	do	122	do	1,564	50	
1855						
Jan. 9	do	136	do	700	00	2415 00
Dec. 19	do	476	do	308	75	
						1008 75

Income.

1850						
May 1	-----	4	Stationery	50	-----	
June 1	-----	28	do	1 00	-----	
15	-----	49	Blanks	605 00	-----	
	"Commercial Advocate,"	49	do	258 29	-----	
	Rood & Whittemore	53	do	5 00	-----	
	"Rock Badger,"	67	Blank Book	31	-----	
July 26	-----	75	Premption Blanks	10 00	-----	
1851				880 10	-----	
Jan. 30	-----	149	Books	114 84	-----	
	Rood & Whittemore,	149	do	5 00	-----	
	Rial Ralf	279	Stationery	411 00	-----	
Nov. 6	-----	285	do	2 00	-----	
20	-----	285	do	216 15	-----	
27	-----				-----	
1852				748 99	-----	
June 15	-----	446	Binding	228 00	-----	
May 1	-----	454	do	30 00	-----	
				258 00	-----	
				5,655 84	-----	

A Statement of the Costs of Books, Binding, &c., for the "University Fund."

Date.	Names.	Page.	What for.	Dollars. Cts.	Dollars. Cts.
1851 Nov. 6.---	Rood & Whittemore.---	12	Books.---	55 00	---
1852 May 1.---	Weed & Eberhard.---	18	do	5 00	---
1855 Mch. 5.---	do	2	do	28 00	---
Dec. 29.---	do	38	do	94 00	---
					122 00

A Statement of Costs for Sub-dividing and Appraising School Lands.

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Date.	Names.	Counties.	Page.	Dollars.	Cts.	Remarks.
1849						
June 23		Racine	18	951	75	
1850						
May 10		Waukesha	20	365	43	
20		Walworth	30	171	25	
Aug 29		Rock	50	409	48	
Sep. 10		Washington	72	207	30	
Aug 17		Dodge	86	748	00	
23		Jefferson	108	400	00	
Oct. 23		Columbia	140	165	00	
1851						
Feb. 14		Marquette	156	200	00	
17		Racine	156	97	51	
Mch. 11		Marquette	156	44	00	
July 1	Clevis A. La Grave	Grant	202	57	50	
	John M. Chandler	do	202	47	50	
	Mathew Woods	do	202	52	50	
10	Treasurer	Jefferson	208	300	00	
8	A. H. Waldo	do	210	25	00	
	Geo. Trunks	do	210	25	00	
	M. J. Gallagher	do	210	25	00	
Sep. 30		do	228	35	29	
		Winnebago	228	160	00	
Oct. 2	S. H. Addsit	Dane	230	185	00	
	H. W. Remington	do	230	182	50	

A Statement of the Costs of Sub dividing and Appraising of School Lands.—Continued.

Date.	Names.	Counties.	Page.	Dollars. Cts.	Remarks.
Oct. 7	Wm. H. Seymour	Dane.	230	125 00	
13	A. W. Comfort	Iowa.	230	27 50	
18	Orin Kuscade	Columbia.	230	163 00	
	Felix McLinden	do	230	145 00	
	Jeremy Bradley	do	230	140 00	
	Adam Byrd	do	230	150 00	
Nov. 1	B. C. Field	Richland	230	182 00	
	Reason J. Damall	do	230	120 00	
4	J. D. Jenkins.	do	230	150 00	
Oct. 25	Moses Whitside	Iowa.	230	15 00	
Oct. 25	John Armstrong.	La Fayette	230	80 00	
	Solomon Oliver	Sauk.	230	80 00	
Nov. 20	Hiram Perkins	do	230	80 00	
	M. C. Waite.	do	230	172 50	
	H. Croswell.	do	230	172 50	
Dec. 9		Milwaukee	230	480 00	
		Brown.	230	137 00	
		Calumet.	230	118 00	
		Fond du Lac.	230	169 84	
		Green.	230	186 00	
		La Fayette	230	150 00	
		Manitowoc.	230	240 00	

Nov. 13.	Robert Sooney	La Crosse	236	105 00	-----
17	Joel Spaulding	do	236	105 00	-----
	Geo. F. Pettit	do	236	110 00	-----
20	Nelson H. Dennison	St. Croix	236	255 00	-----
	Otis Hoyt	do	236	150 00	-----
	Jonathan Bailey	do	236	242 50	-----
29	Isaac Spencer	Bad Ax.	236	122 50	-----
	Wm. C. McMichael	do	236	145 00	-----
	Thomas L. Defrey	do	236	122 50	-----
Dec. 2	John Cummings	Crawford	236	27 50	-----
	Ira B. Brunson	do	236	27 50	-----
	James Fisher	do	236	27 50	-----
	Wm. C. McMichael	do	236	9 50	-----
	F. P. Catlin	St. Croix	236	10 00	-----
1852				3,569 84	-----
Jan. 2	Charles Hailey	Brown	240	62 50	-----
	Wm. Field	do	240	62 50	-----
3	Orson Reed	Waukesha	240	15 00	-----
	Wm. McNaughton	do	240	15 00	-----
11	Michael Green	Brown	240	50 00	-----
15	F. Ulrich	Manitowoc	240	152 50	-----
16	Andrew Bolster	Iowa	240	30 00	-----
	J. P. Drake	Calumet	240	110 00	-----
Jan. 16	Wm. Foulter	Calumet	240	110 00	-----
	N. E. Eastman	do	240	110 00	-----
19	John Rynders	Outagamie	240	62 50	-----
22	Charles Hattleman	Manitowoc	240	152 50	-----
26	H. W. Newton	Fond du Lac	240	16 25	-----
	Alonzo Raymond	do	240	16 25	-----

A Statement of the Costs of Sub dividing and Appraising School Lands.—Continued.

Date.	Names.	Counties.	Page.	Dollars. Cts.	Remarks.
-----	James Hawkins	Fond du Lac.....	240	17 50	-----
-----	G. W. Durgin	Manitowoc.....	240	152 50	-----
Feb. 2	Rolla A. Law	Outagamie.....	240	52 50	-----
24	Treasurer	Walworth.....	240	90 00	-----
7	do	Jefferson.....	240	12 60	-----
19	Burr S. Craft	Outagamie.....	242	62 50	-----
20	Treasurer	Fond du Lac.....	242	132 16	-----
M'ch 16	do	Sheboygan.....	242	359 40	-----
17	do	Dane.....	242	221 86	-----
18	do	Rock.....	242	55 54	-----
June 19	Alfred Topliff	Islands in Columbia.	252	17 00	-----
Sept. 7	E. E. Randall	Columbia.....	260	4 50	-----
-----	C. J. Randall	do	260	15 00	-----
Oct. 5	Thomas J. Townsend	Waushara	264	180 00	-----
-----	Baldwin Seares	do	264	157 50	-----
13	C. L. Seeley	do	264	80 00	-----
16	R. P. Rawson	Marquette.....	264	210 00	-----
-----	D. R. Shaver	do	264	210 00	-----
-----	W. O. Buck	do	264	195 00	-----
Nov. 19	A. W. Starks	Sauk	266	190 00	-----
-----	Phillip B Stantz	do	266	185 00	-----
-----	E. Benedict	do	266	177 50	-----
1853					3,743 08
Jan. 10	Otis Hoyt	St. Croix.....	278	420 00	-----

J. B. Henning.....	do	278	370 00
N. H. Denison.....	do	278	345 00
Perry Lee.....	Columbia.....	278	6 50
Thomas Riley.....	do	278	3 00
J. Q. Adams.....	Islands Dam.....	278	3 00
Daniel H. Johnson.....	Rock.....	278	125 00
John Thomas.....	do	278	125 00
E. D. Marr.....	do	278	125 00
Wellington Collock.....	Portage.....	278	277 50
Geo. Bunner.....	do	278	225 00
Wm. Griffin.....	do	278	277 50
Treasurer.....	Jefferson.....	278	43 70
do.....	Rock.....	278	54 40
D. M. West.....	La Crosse.....	278	257 50
Treasurer.....	Marquette.....	278	254 00
C. N. Chumway.....	Wausara.....	280	162 00
Baldwin Seares.....	do	280	120 00
O. H. Capron.....	Marquette.....	280	252 00
Geo. Powell.....	Portage.....	280	22 50
Harvey Brown.....	do	280	46 50
J. Gilchrist.....	do	280	30 00
Horse Hire.....	do	280	21 50
J. L. Prentice.....	do	280	35 00
Wm. Bach.....	Manitowoc.....	286	100 00
Wm. Barlow.....	La Crosse.....	286	187 50
Geo. Gale.....	do	286	162 50
Wm. C. McMichael.....	Bad Ax.....	286	100 00
J. Higgins.....	do	286	75 00
L. Sterling.....	do	286	72 50
Geo. W. Taggart.....	Waupacca.....	286	235 00

A Statement of the Costs of Sub-dividing and Appraising School Lands,—Continued.

Date.	Names.	Counties.	Page.	Dollars. Cts.	Remarks.
-----	Abram Brush-----	Waupacca .-----	286	200 00	-----
-----	Nelson Holt-----	do-----	286	25 00	-----
Mch. 15-----	M. Barlow-----	La Crosse-----	286	20 00	-----
-----	S. Warner, junior-----	Waupacca-----	286	108 00	-----
-----	Wm. M. Dayton-----	do-----	286	94 50	-----
-----	S. S. Chandler-----	do-----	286	108 00	-----
-----	Treasurer-----	Grant-----	286	654 15	-----
-----	H. S. Eggleston-----	Outagamie-----	286	75 00	-----
April 27-----	Jacob Low-----	Columbia-----	2	40 00	Book 8d.
-----	J. Whitney-----	do-----	2	40 00	-----
-----	A. Law-----	do-----	2	1 50	-----
-----	M. McCormick-----	do-----	2	3 00	-----
-----	J. Whitney-----	do-----	2	7 50	-----
-----	Thomas Jones-----	do-----	2	1 50	-----
-----	A. S. Sanburn-----	Outagamie-----	2	15 00	-----
-----	R. A. Law-----	do-----	2	72 50	-----
May 23-----	Michael McCormick-----	Columbia-----	2	2 50	-----
-----	Wm. G. Cooper-----	Waupacca-----	2	3 00	-----
July 1....	John Scott-----	Winnebago-----	16	20 00	-----
-----	Hial Cady-----	do-----	16	18 75	-----
-----	M. Whitcomb-----	Richland-----	16	62 50	-----
-----	R. J. Donnell-----	do-----	16	42 50	-----
-----	B. Taylor-----	do-----	16	40 00	-----
Aug. 10....	Benjamin Dick-----	Calumet-----	16	12 50	-----

Sept. 5	D. Strickland	Richland	16	102 50	
July 11	J. E. Irish	do	16	82 50	
Aug. 10	J. W. Coffenbery	do	16	92 50	
	N. E. Eastman	Calumet	16	12 50	
	B. Dick	do	16	12 50	
	A. Merrill	do	16	15 00	
Sept. 9	O. F. Nailor	do	18	6 00	
	D. McNaughton	do	18	6 00	
	G. S. German	do	18	6 00	
	R. A. Rinn	Richland	18	40 00	
29	H. S. Eggleston	Outagamie	18	75 00	
Oct. 29	A. Eldred	La Crosse	2	3 00	
Sept. 15	F. E. White	Door, Kewaunee, Brown	2	200 00	
	O. Henry	do do	2	200 00	
	J. M. Birchard	do do	2	200 00	
	B. Plunket	do do	2	46 50	
	Michael Green	do do	2	55 50	
	F. E. White	do do	2	60 00	
Oct. 17	R. O. Field	Richland	2	55 00	
Dec. 19	H. W. Kingsbury	Adams	4	146 00	
	E. S. Miner	do	4	55 50	
19	A. Morehouse	do	4	127 50	
1854				7,797 75	
Jan. 4	A. Morehouse	do	54	63 00	
7	D. R. Schaler	Marquette	54	111 00	
	R. P. Pauson	do	54	111 00	
	William O. Burk	do	54	111 00	
10	C. G. Mayers	do	54	13 00	
20	L. M. Parsons	Winnebago	56	10 00	
Feb. 8	M. Barlow	La Crosse	58	15 00	

A Statement of the Costs of Sub-dividing and Appraising School Lands,—Continued.

Date.	Names.	Counties.	Page.	Dollars.	Cts.	Remarks.
7	George Gale	La Crosse	58	15	00	
7	D. M. West	do	58	20	00	
10	R. Aichin	Richland	58	175	00	
	Treasurer	do	58	325	46	
	do	Winnebago	58	168	25	
7	Wm. Back	Manitowoc	58	200	00	
7	R. F. Fraser	Rock	58	147	20	
14	A. Lawrence	Marathon	60	78	00	
	J. George	do	60	9	00	
	H. P. Holmes	do	60	25	50	
	A. Weston	do	60	7	50	
	W. White	do	60	43	50	
	P. D. Marshall	do	60	50	00	
	H. Calkins	do	60	92	50	
	J. Bamard	do	60	75	00	
	A. S. Weston	do	60	12	50	
16	Treasurer	Marquette	60	105	50	
	G. W. Taggart	Waupacca	60	216	00	
	Treasurer	Calumet	60	581	12	
Mch. 31	Daniel M. Seaver	Dane	60	730	16	
	C. G. Mayer	do	60	241	00	
June 30	do	Brown	98	273	50	
Sep. 29	E. Lees	do	108	25	00	
20	W. H. Hiliard	do	108	132	00	

James Murdock	do	108	141 00	-----
R. F. Wilson	do	108	100 00	-----
S. Seans	Waushara	122	120 00	-----
A. Boardman	do	122	120 00	-----
H. Floyd	do	122	99 00	-----
R. F. Wilson	Chippewa & Dunn	122	50 00	-----
J. Murdock	do do	122	50 00	-----
Treasurer	Manitowoc	122	567 07	-----
R. F. Wilson	do	122	50 00	-----
do	do	122	115 00	-----
Benjamin Allen	Chippewa & Dunn	122	262 50	-----
C. A. Allen	do do	122	157 50	-----
B. F. Hicks	do do	122	15 00	-----
Joseph Patch	do do	122	142 50	-----
H. Calkins	Marathon	122	85 00	-----
do	do	122	81 00	-----
J. Barnard	do	122	55 00	-----
J. D. Marshall	do	122	35 00	-----
Edward Lees	do	124	480 00	-----
P. Little	do	124	30 00	-----
1855	What for.		6,938 26	-----
Jan. 11	Appraising.	64	5 00	-----
1	Plating	136	107 75	-----
	do	136	25 00	-----
	Appraising	173	173 00	-----
15	do	173	61 50	-----
	do	173	23 04	-----
31	do	138	120 00	-----
Feb. 6	do	138	828 76	-----
	Jefferson county			-----

A Statement of the Costs of Sub-dividing and Appraising School Lands.—Continued.

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Date.	Names.	What for.	Page.	Dollars.	Cts.	Remarks.
Feb. 2	B. Allen	Appraising	140	162	50	---
---	do	St. Croix and Dunn	140	102	50	---
---	Bomgesson	do	140	102	50	---
---	Charles Franks	---	140	102	50	---
M'eh 17	R. W. Lansing	---	146	69	00	---
24	S. W. Saggart	---	148	63	50	---
May 8	R. F. Wilson	Packer	152	150	00	---
9	E. Lees	Selecting	152	200	00	---
---	do	do	152	90	00	---
April 6	S. W. Smith	do	154	4	25	---
---	B. Allen	Appraising	154	180	00	---
Aug. 3	James Vaner and others	do	458	205	50	---
29	John Maygold	do	458	25	00	---
---	R. Manigan	do	458	25	00	---
---	N. E. Eastman	do	458	25	00	---
---	J. Mangan	do	458	10	50	---
---	J. Gage	do	458	10	50	---
---	J. Buhl	do	458	11	25	---
---	E. Lees	do	458	11	25	---
Sept. 3	R. E. Gillett	do	460	252	00	---
Oct. 1	A. Blake	do	472	217	50	---
---	Treasurer	do	472	67	50	---
---	A. J. Wells	Ozaukee County	472	165	83	---
Nov. 20	John Lockhart	do	472	111	00	---
---	---	do	472	260	00	---

-----	S. Montell	do	272	260 00	.....
20	H. O'Neil	do	272	112 50	.....
-----	Wm. J. Gibson	do	272	202 00	.....
-----	J. O'Neil	do	272	150 00	.....
-----	E. Durkee	do	272	150 00	.....
17	Panley & Others	do	272	156 00	.....
-----	W. Panley	do	272	215 00	.....
-----	D. A. J. Baker	do	474	47 50	.....
27	W. M. Young	do	474	90 00	.....
-----	James Reed	do	474	90 00	.....
Dec. 20	A. Merrill	do	474	26 00	.....
17	R. F. Wilson	do	474	354 00	.....
-----	J. M. Whipple	Packing.....	474	160 00	.....
-----	J. Field	Appraising.....	474	267 50	.....
28	C. H. Lee	do	474	144 00	.....
-----	C. M. Seeley	do	474	449 00	.....
				6,830 88	.....

Income.

1851	S. Seaver	Services.....	147	122 00	.....
Mch. 17	E. Burdick	Plating	279	42 50	.....
Oct. 13				164 50	.....
1852				328 80	.....
Jan. 2	C. G. Mayers.....	do	325	328 80	.....
				35,525 85	.....

"G."

Amounts not on Treasurer's Books on Certificates Issued.

Date.	Certificate	Pr'l, 1851	In't, 1851	Pr'l, 1852	In't, 1852	Pr'l, 1853	In't, 1853	Pr'l, 1854	In't, 1854	Pr'l, 1855	In't, 1855
Feb. 15, 1855	<i>Crawford county.</i> Thos. Schechan.....		101 to 4								12 44
Dec. 6.....	<i>Adams county.</i> E. W. Baldwin.....		218 to 24						70		
.....	<i>Bad Ax county.</i> Nicholas Vought.....		8 to 11				12 46				
.....	T. Pederson.....		171 & 2				2 58		2 58		7 04
.....	G. P. Delaplaine.....		174								2 58
.....	<i>Calumet county.</i> Moses Stanton.....		9						5 11		
July 16, 1852	Quincy A. Howell.....		61	5 80							
.....	Erin Sherman.....		45	8 80	2 66						
.....	<i>Columbia county.</i> A. P. Smith.....	6 64	208	1 72					3 85		
July 19, 1851	W. C. Searns.....		259			8 44				tx1 42	
May 11, 1853	John Rodall.....		220	8 64	2 46						
July 7 1852	Edward B. Speed.....		226	10 64	2 16						
Aug. 30 1852	A. Sherman.....		110								5 11
.....	J. A. Byrne.....		461								5 46
Jan. 23 1852	D. R. Maloy.....		126 to 8	7 75							
.....	J. A. Byrne.....		466								5 18
.....	Rufus Comstock.....		151 to 3			28 28					
.....	H. Bladget.....		174 & 5				15 96				
April 26 '53	James H. Bladget.....		254			19 04	8 30				
do 22.....	T. McGuire.....		354 & 5				4 90				
Aug. 4 '52.....	C. T. Bradley.....		143 to 5		5 16						
Sept. 30 '54	J. A. Byrne.....		549 to 51						3 03		12 03

Amounts not on Treasurer's Books on Certificates Issued,—Continued.

Date.	Names and Counties.	Certificates.	Pr'l, 1851	In't, 1851	Pr'l, 1852	In't, 1852	Pr'l, 1853	In't, 1853	Pr'l, 1854	In't, 1854	Pr'l, 1855	In't, 1855
May 17, 1853	B. Hillier.....	510	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	Ole Gunderson.....	415	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	Samuel Bell.....	239	.....	.....	.....	8 87	3 13	.....	.....	12 60	.....	.....
.....	J. Teluson.....	256	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 27, 1853	J. Durkee.....	439	.....	.....	.....	3 08	.....	.....	.....	.....	.....	.....
.....	J. Rape.....	442	.....	.....	.....	.....	7 68	.....	.....	.....	.....	.....
Sept. 30, 1854	John A. Byrne.....	662	.....	.....	.....	.....	3 78	.....	.....	.....	.....	.....
June 27,	W. B. Jarvis.....	646	.....	.....	.....	.....	.....	.....	13 58	2 30	.....	.....
.....	H. Miller.....	397	.....	.....	.....	.....	.....	.....	10 87	3 20	.....	.....
.....	do.....	399	.....	.....	.....	.....	.....	.....	.....	.....	.....	7 08
July 7, 1853	W. G. Bjornson.....	157	.....	.....	.....	.....	5 41	.....	.....	5 68	.....	5 68
.....	Lars Munson.....	153-6	.....	.....	.....	.....	7 43	.....	.....	.....	.....	.....
.....	A. Yanson.....	119	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	H. Miller.....	400	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	K. Mikleson.....	93	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	Ole Ernkson.....	228	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	P. T. Graveson.....	125	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
May 10, 1853	N. Helverson.....	129	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	H. Ravnstone.....	67	.....	.....	.....	.....	4 54	.....	.....	.....	.....	.....
.....	W. Lester.....	38 to 40	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Aug. 10, 1853	Ole Oleson.....	197-8	.....	.....	.....	.....	17 01	.....	.....	.....	.....	.....
Jan. 1, 1854	James Halpin.....	404 to 7	.....	.....	.....	.....	5 88	.....	.....	.....	.....	.....
Dec. 2, 1852	G. Gilbertson.....	75	.....	.....	.....	.....	.....	.....	.....	30 41	.....	.....
Oct. 14, 1853	Wm. B. Jarvis.....	252-3	.....	.....	.....	65	.....	.....	.....	.....	.....	.....
Sept. 21, 1854	D. S. Moore.....	410	.....	.....	.....	.....	3 00	.....	.....	.....	.....	.....
.....	C. G. Mayers.....	416-17	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	Fred. Muehlenback.....	315	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	G. Swigerh.....	205	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	A. Freeman.....	381	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
April 4, 1853	Thomas O'Neil.....	117	.....	.....	.....	.....	4 20	.....	.....	.....	.....	.....

Aug. 29, 1855	Wm. T. Allen	223	18	1 74	5 40	1 71	8 15	4 95
June 29, 1853	Hans Anderson	182	19	69	5 40	3 14	---	---
Jan. 25, 1853	John Jung	153	222 to 225	11 76	---	---	---	---
<i>La Fayette County.</i>								
.....	Pet. Fitzpatrick	18	293 to 294	5 04	16 94	7 00	---	---
.....	Robert McGuinis	19	106	---	---	---	---	---
May 31, 1852	Carston Heunies	222 to 225	338	---	16 94	4 30	15 89	---
April 20, 1853	John D. Deffenbacher	293 to 294	338	---	---	---	---	---
.....	M. Cottle	106	31	---	---	64	---	---
July 26, 1853	J. J. Marvin	338	140	3 15	---	---	---	5 04
.....	Peter McConnell	263	364 to 367	---	6 94	2 42	---	---
Oct. 19, 1853	John Kelly	31	297 to 299	---	---	---	---	---
.....	John Gilmore	140	246	5 75	---	---	---	3 15
.....	James Carter	364 to 367	245	---	---	---	11 82	12 67
May 11, 1853	Fisher Dall	297 to 299	9	---	---	---	---	---
Nov. 18, 1852	Z. Farnham	246	192 to 193	---	---	---	91	3 22
.....	Horace Latten	245	215 to 218	---	---	---	2 16	3 22
Jan. 24, 1854	Emanuel Whitham	9	24 to 13	---	---	---	---	9 45
<i>La Crosse County.</i>								
Sept. 19, 1854	James Fisher	192 to 193	234 to 237	---	---	---	21 32	14 07
Oct. 12,	do	215 to 218	101	---	---	---	---	---
.....	do	24 to 13	37	---	---	---	---	---
Jan. 1, 1855	E. W. Baldwin	234 to 237	872 to 874	---	6 05	---	4 08	3 53
Jan. 28, 1854	O. E. Bachelder	101	879 to 882	3 53	3 53	---	3 53	---
.....	Timothy Burns	37	67	---	---	---	---	---
.....	Michael Holmes	872 to 874	142 to 143	---	---	---	---	---
.....	do	879 to 882	555	---	---	---	---	---
.....	Joel March	67	556	tx 3 34	---	---	14 08	---
.....	John Parsons, jr.	142 to 143	128	---	---	---	7 04	---
April 1, 1852	Benj. B. Healey	555	129 to 130	2 64	---	---	---	---
Jan. 20, 1852	George Lipan	556	670 to 671	3 22	---	---	---	---
.....	Luther Downer	128	578 to 583	---	3 53	---	7 06	---
.....	Edwin Broadbeat	128	171	---	---	---	---	---
.....	Edwin Broadbeat	129 to 130	---	---	---	---	---	---
July 12, 1852	Chester Darling	670 to 671	---	---	3 30	---	---	---
.....	Byron A. Velts	578 to 583	---	---	19 20	---	---	---
.....	Jacob Bagley	171	---	---	---	---	---	3 53

Amounts not on Treasurer's Books on Certificates Issued—Continued.

Date.	Counties and Names.	Certificate.	Pr'l, 1851	Int, 1851	Pr'l, 1852	Int, 1852	Pr'l, 1853	Int, 1853	Pr'l, 1854	Int, 1854	Pr'l, 1855	Int, 1855
	<i>Winnepago county.</i>											
	Joseph Davenport.	153	---	---	---	---	---	---	---	1 33	---	---
	Thomas Bowells.	136	---	---	---	---	---	---	---	5 11	---	---
	Warren Mailey.	34-35	---	---	---	---	---	---	---	15 68	---	---
	F. Vosberg.	134	---	---	10 17	3 91	---	---	---	---	---	---
	Haus Hansen.	134	---	---	---	---	---	---	---	---	---	6 37
	J. S. Wiley.	54-55, 166-175	---	---	---	---	---	---	---	3 85	---	3 22
April 27, 1854	Talbot Prichett.	205-206	---	---	---	---	---	---	12 12	5 20	---	---
May 1, 1854	A. W. Kellogg.	204	---	---	---	---	---	---	5 26	2 38	---	---
	<i>Washington county.</i>											
	Patrick Kelly.	2-7	---	---	---	12 53	---	---	---	---	---	---
	James Murphy.	14	---	---	---	12 60	---	---	---	---	---	---
	August Ernst.	39	---	---	---	34 65	---	---	---	---	---	4 20
	Philip Weegand.	207	---	---	---	5 67	---	5 67	---	---	---	---
June 28, 1853	Conrad Kusz.	288	100 00	---	---	---	21 20	6 41	---	---	---	7 00
	John Mulchaby.	127	---	---	---	---	---	---	---	91	---	---
	R. P. Derrickson.	97	---	---	---	12 67	---	---	17 05	7 12	---	---
May 5, 1854	Togas Abramson.	358	---	---	---	---	---	12 22	---	---	---	---
	James Vanankin.	246	---	---	---	---	---	---	---	---	---	---
	James Vanankin.	229	---	---	---	2 42	---	---	---	---	---	---
Oct. 21, 1852	Daniel McGeuley.	168	---	10 22	---	---	---	---	---	---	---	---
	John L. Neff.	360	---	---	---	---	---	---	16 20	6 86	---	---
April 27, 1854	James Kenney.	194	---	7 63	---	---	---	---	---	---	---	---
June 9, 1851	Christian Turk.	265	---	---	---	---	---	---	39 00	---	---	---
	Jno. Rottesbeger.	224	---	---	---	---	---	---	---	---	---	---
.....1852	Anthony Gensing.	309	---	---	12 20	3 66	---	---	---	---	---	---
	Nicholas Berg.		---	---	---	---	---	---	---	12 67	---	---
	<i>Waukesha county.</i>											
	Eugene Clark.	90-91	---	---	---	---	---	---	---	23 23	---	---
	J. L. Messenroll.	110	---	---	---	---	---	3 74	---	---	---	---
	J. C. Douseman.	111-112	---	---	---	---	---	5 71	---	---	---	---

Amounts not on Treasurer's Books on Certificates Issued,—Continued.

Date.	Counties and Names.	Certificates.	Pr'l. 1851	In't. 1851	Pr'l. 1852	In't. 1852	Pr'l. 1853	In't. 1853	Pr'l. 1854	In't. 1854	Pr'l. 1855	In't. 1855
.....	James M. Titus.....	4 b 10	.....	.....	.....	.....	.....	.....	.....	.....	.....	18 14
.....1850	M. D. Waters.....	12 b 15	9 00	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	W. Cowles.....	5 b 16	.....	.....	.....	.....	.....	.....	19 40	.....	.....	.....
.....	do.....	6 b 16	.....	.....	.....	.....	25 20	.....	.....	.....	45 00	.....
.....	Ezra Baker.....	n $\frac{1}{2}$ 4 b 17	.....	.....	.....	.....	.....	.....	.....	6 02	.....	.....
.....	Edmund Brown.....	9 b 20	.....	.....	.....	.....	.....	.....	.....	5 04	.....	.....
.....	do.....	10 b 20	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	Joseph Raymond.....	10, 11 b 21	.....	.....	.....	5 89	.....	.....	.....	.....	.....	.....
June 1, 1850	M. L. Ayers and N. Clark.....	6 b 22	16 00	.....	.....	.....	.....	.....	.....	.....	.....	6 72
.....	J. Briley.....	11, 12 b 26	.....	.....	.....	25 06	.....	.....	.....	.....	.....	.....
.....	S. M. Johnson.....	5 b 27-9, 10 b 28	.....	.....	.....	25 03	.....	.....	.....	.....	.....	.....
.....	John Wagner.....	11, 12 b 29	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	Mary Harvey.....	lot 6, b 29	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	Charley Rider.....	23, 24 b 29	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	W. Cowles.....	lot 6, b 31	.....	.....	.....	.....	8 10	.....	.....	.....	.....	.....
Jan. 1, 1850	Edward S. Blake.....	lot 6, b 32	15 00	.....	.....	9 45	.....	9 45	.....	.....	.....	.....
do do	N. J. Osborn.....	lot 2, b 32	8 00	.....	.....	6 51	.....	6 51	.....	.....	.....	.....
do do	Abner Roun.....	lot 3, b 32	14 00	.....	.....	4 75	.....	.....	.....	.....	.....	.....
do do	Henry Anthes.....	lot 4, b 36	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	E. Cram and J. Smith.....	lot 7 to 12 b 37	.....	.....	.....	21 78	.....	.....	.....	.....	.....	2 01
.....	Moses Vilas.....	lot 1, 4 b 43	.....	.....	.....	4 05	.....	.....	.....	21 84	.....	3 47
.....	Stephen Campbell.....	lots 2, 3, w $\frac{1}{2}$ b 48	.....	.....	.....	20 09	.....	.....	.....	.....	.....	.....
.....	Jeremiah Haganan.....	lot w $\frac{1}{2}$ 5, b 49	.....	.....	.....	1 13	.....	.....	.....	.....	.....	.....
.....	Seth H. Norris.....	bl. N. U. S. R. b 49	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	R. M. Norton.....	lot 3, b 49	.....	.....	.....	.....	.....	.....	.....	9 80	.....	.....
.....	F. and R. Breeman.....	w b 54	.....	.....	.....	.....	.....	.....	.....	5 04	.....	.....
.....	R. R. Williams.....	lot 3, b 56	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	Seneca Raymond.....	L 11, 12 b e $\frac{1}{2}$ 57	.....	.....	.....	.....	.....	.....	.....	2 80	.....	.....
.....	J. Van Valkenberg.....	1 w $\frac{1}{2}$ 57	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	John Jones.....	e $\frac{1}{2}$ 87	.....	.....	.....	.....	.....	.....	.....	2 80	.....	.....

Amounts not on Treasurer's Books on Certificates Issued,—Continued.

Date.	Names and Counties.	Certificates.	Pr'l, 1851	In't, 1851	Pr'l, 1852	In't, 1852	Pr'l, 1853	In't, 1853	Pr'l, 1854	In't, 1854	Pr'l, 1855	In't, 1855
July 28, 1853	M. H. Russell.....	290-276	---	---	---	---	---	---	---	---	11 38	2 84
do do do	do	277 to 281	---	---	---	---	---	---	---	---	28 45	7 10
do 27, do	M. M. Thomas.....	282 to 289	---	---	---	---	---	---	---	---	45 52	11 44
.....	<i>Walworth.</i>											
.....	C. H. Conant.....	5	---	---	---	---	---	---	---	---	---	9 94
.....	I. A. Pfaff.....	186	---	---	---	---	---	---	---	14 84	---	---
.....	J. W. Seale.....	294	---	---	---	---	---	---	---	---	---	20 65
Nov. 18, 1853	James Sherwood.....	275	---	---	---	---	---	---	---	---	---	---
.....	A. Woodward.....	131	---	---	---	---	---	---	---	---	---	---
Sept. 18, 1852	E. E. Butts.....	218	---	---	20 25	3 59	---	---	---	---	---	---
.....	R. Marjory.....	203	---	---	---	12 67	17 25	1 17	---	11 27	---	---
.....	Russell Calkins.....	176	---	---	---	25 27	---	---	---	---	---	---
Dec. 14, 1853	Edmund Kingman.....	279	---	---	---	---	---	---	---	---	---	---
Jan. 10, 1854	James Dunn.....	297	---	---	---	---	---	---	---	---	---	---
Oct. 25, 1852	Henry Wheeler.....	232	---	---	40 25	4 63	---	---	16 25	20 23	---	9 87
Jan. 11, 1853	Norman A. Rice, paid	237	---	---	---	---	---	---	---	---	---	---
Oct. 6, 1852	Henry Carl.....	268	---	---	24 73	3 59	---	---	---	---	---	---
.....	<i>Sauk county.</i>											
Jan. 11, 1854	David Updegrave.....	224 to 226	---	---	---	---	---	---	---	14 43	---	---
.....14.....	Kaspar Harland.....	249	---	---	---	---	---	---	---	4 77	---	---
.....	James Maxwell.....	175 to 176	---	---	---	---	---	---	---	19 80	---	---
.....	John J. Jarvis.....	89	---	---	---	---	---	---	---	---	---	---
Jan. 12, 1854	Jas. F. Brown.....	229 to 244	---	---	---	---	---	---	---	55 04	---	---
.....	James Maxwell.....	183 to 190	---	---	---	---	---	---	---	25 20	---	---
Jan 14, 1854	Samuel W. Warner.....	255-256	---	---	---	---	---	---	---	9 52	---	---
.....	James Maxwell.....	191 to 198	---	---	---	---	---	---	---	31 36	---	---
.....	<i>Sheboygan county.</i>											
.....	M. K. Kent.....	212	---	---	---	---	---	---	---	8 33	---	---
Jan, 17, 1853	Elizabeth Stanton.....	150	---	---	---	---	10 08	---	---	---	---	---
.....17.....	D. M. Stanton.....	151-152	---	---	---	---	20 16	---	---	---	---	---

Amounts not on Treasurer's Books on Certificates Issued,—Continued.

Date.	Names.	Certificates.	Pr'l, 1851	In't, 1851	Pr'l, 1852	In't, 1852	Pr'l, 1853	In't, 1853	Pr'l, 1854	In't, 1854	Pr'l, 1855	In't, 1855
Sept. 27, '52	Samuel Bersice..	149-152				1 84						
do	John M. Wheeler	150-151				1 84						
Jan. 1, '53	Harvey J. Sill...	192						3 56				
July 11, '52	Storm R. Bates...	472						1 67				
Nov. 24, '52	John Halpin.....	173-174				74						
Total....			\$106 46	\$404 94	\$381 79	\$781 21	\$928 88	1,217 81	3,768 04	3,041 51	3,327 69	2,015 43

RECAPITULATION.

For	Principal.	Interest.
1849	\$ 36 00	
1850	235 00	
1851	106 64	
1852	381 79	\$ 404 94
1853	928 88	781 21
1854	3,768 04	1,217 81
1855	3,327 69	3,042 51
Total..	\$8,784 04	2,015 43

Lands Entered in the name of Daniel Howell.

Date.	County.	Certificate.	T.	R.	S.	No. Acres.	Am't sold for.	Principal.	Interest.
1853									
February 23.	Adams	345 to 352	18	6	16	320	404 40	44 40	20 80
March 3.	do	353 to 368	19	6	16	640	808 80	88 80	41 60
do.	do	393 to 408	19	7	16	640	808 80	88 80	41 60
do.	do	409 to 424	20	4	16	640	808 80	88 80	41 60
do.	do	425 to 440	20	5	16	640	808 80	88 80	41 60
do.	do	441 to 456	20	6	16	640	808 80	88 80	41 60
do.	Brown	250 to 253	21	19	23	160	262 72	88 80	15 18
1854									
Nov. 21.	Bad Ax.	348 to 350	12	6	16	120	152 10	17 10	1 05
do.	do	312 to 314	12	6	16	120	152 10	17 20	1 05
do.	do	333 to 336	13	4	16	80	101 40	11 40	70
do.	do	337	13	4	16	40	50 70	5 70	35
do.	do	338	13	4	16	40	50 70	5 70	35
do.	do	339 to 340	13	4	16	80	101 40	11 40	70
do.	do	341 to 342	13	6	16	80	101 40	11 40	70
do.	do	343 to 347	13	6	16	120	253 50	28 75	1 75
do.	do	305 to 311	13	6	16	280	354 90	39 90	2 40
1855									
Feb. 23.	do	352-353	13	7	16	80	101 40	11 40	5 34
do.	do	354 to 356	13	7	16	120	152 10	17 10	8 01
do.	do	377	13	7	16	40	50 70	5 70	2 67
do.	do	558	13	7	16	40	50 70	5 70	2 67
do.	do	359	13	7	16	40	50 70	5 70	2 67
1854									
Dec. 1.	do	328 to 331	14	6	16	160	202 80	22 80	1 04
do.	do	332 to 334	14	6	16	120	152 10	17 10	78
do.	do	995	14	6	5	40	50 30	-----	25
4.	do	889 to 892	14	5	4	111 45	139 92	-----	4 51
Nov. 27.	do	990	14	5	5	31 43	39 29	-----	25
do.	do	951 to 952	14	5	10	80	100 60	-----	64
do.	do	953	14	5	10	40	50 30	-----	22

Lands Entered in the Name of Daniel Howell—Continued.

Date.	Counties.	Certificate.	T.	R.	S.	No. Acres.	Am't sold for.	Principal.	Interest.
1854									
Nov. 27.....	Bad Ax.....	954	12	4	10	40	50 30	-----	32
.....do.....	do.....	991	12	4	22	40	50 30	-----	32
Nov. 27.....	do.....	955 to 556	12	5	12	80	100 60	-----	64
.....do.....	do.....	960	12	5	31	40	50 30	-----	32
.....do.....	do.....	961	12	5	33	40	50 30	-----	32
.....do.....	do.....	962 to 963	12	5	33	80	100 60	-----	64
.....do.....	do.....	970 to 971	14	4	20	80	100 60	-----	64
.....do.....	do.....	972 to 975	14	4	20	160	201 60	-----	1 28
.....do.....	do.....	976 to 979	14	4	21	160	201 20	-----	1 28
.....do.....	do.....	964 to 967	14	14	34	160	201 20	-----	1 28
.....do.....	do.....	980 to 982	14	4	36	120	150 90	-----	90
.....do.....	do.....	985 to 984	14	5	24	80	100 60	-----	64
.....do.....	do.....	985 to 988	14	5	31	160	201 20	-----	1 28
.....do.....	do.....	968 to 969	13	2	1	80	100 60	-----	64
Dec. 27.....	Calumet.....	976, 678	18	20	15	120	151 50	-----	09
.....30.....	Dodge.....	479	12	13	16	10 74	30 40	3 40	1 01
.....do.....	do.....	480 to 482	12	13	16	103 06	91 66	8 66	3 83
Nov. 1.....	Grant.....	160-161	fr.8	3	14	131 05	165 97	-----	1 93
Dec. 27.....	Jackson.....	1087 to 1088	19	4	9	80	100 80	-----	-----
.....do.....	do.....	1084	19	6	22	40	50 40	-----	-----
.....do.....	do.....	1055	20	5	25	40	50 40	-----	-----
.....do.....	do.....	1056	20	5	25	40	50 40	-----	-----
Oct. 1.....	Jefferson.....	415	7	14	16	40	184 18	18 18	2 90
Sept. 29.....	do.....	218	7	16	35	40	38 30	3 30	16
.....do.....	do.....	219	8	16	33	55 80	73 30	7 30	1 16
1855									
March 1.....	Kewaunee.....	77 to 92	24	23	16	640	1159 28	126 28	60 24
.....do.....	do.....	93 to 108	24	24	16	640	1449 28	155 28	75 50
.....do.....	do.....	121 to 136	25	25	16	640	829 28	93 28	42 88
1854									
Nov. 21.....	Monroe.....	284 to 299	16	3	16	640	817 28	81 28	5 60

An Abstract of Penalties incurred for non-payment of Interest on Certificates and Loans in School and University Funds, within the time prescribed by law, and not entered on the Treasurer's Books.

Certificates School.....	1850	1851	\$1,046 10	
do University.....			18 24	
				\$1,064 34
Certificates School.....	1852	1853	11,366 79	
Loans do.....			2,244 62	
Certificates University.....			346 70	
Loans do.....			146 00	
				14,104 11
Certificates School.....	1854	1855	5,479 19	
Loans do.....			1,663 79	
Certificates University.....			430 05	
Loans do.....			108 50	
				7,681 53
Total amount of penalties not entered.....				22,849 98

Payments on Loans not entered in Treasurer's Books.

Name of Payer.	County.	Year.	Amount.
Philo Dunning.....	Dane.....	1853	250 00
D. Wilcox.....	Fond du Lac.....	1853	200 00
N. R. & S. E. Woodbury.....	Sheboygan.....	1853	125 00
Total amount of loans paid, not entered.....			575 00

Lands Entered in the Name of E. H. Gleason.

Date.	County.	Certificate.	T.	R.	S.	No. Acres.	Am't sold for	Principal.	Interest.
May 5, 1854	Dane.....	604	6	7	16	40	100 87	10 87	4 11
.....do.....	do.....	605	6	7	16	40	100 87	10 87	4 11
.....do.....	do.....	606	6	7	16	40	120 87	12 87	4 93
.....6.....	do.....	607 to 609	8	7	16	120	242 61	26 61	9 87
.....5.....	Grant.....	398-399	3	2	16	80	122 04	12 04	5 02
.....do.....	do.....	400 to 403	4	2	16	160	424 08	42 08	17 47
.....do.....	do.....	404 to 407	4	4	16	160	304 08	30 08	12 53
.....do.....	Iowa.....	194-195	4	4	16	180	261 12	27 12	10 70
.....do.....	Portage.....	286 to 301	24	4	16	640	824 16	88 16	50 08
Jan. 10, 1855	do.....	302 to 310	24	10	16	360	453 59	49 59	28 17
.....do.....	La Crosse.....	1127 to 1130	15	4	36	160	227 76	.....	16
Dec. 27, 1854	do.....	1121 to 1124	15	3	31	160	227 76	.....	12
.....do.....	do.....	1089, 1093, 1125, } 1126 & 1131. }	15	3	32	320	455 52	.....	18
.....do.....	do.....	1094 to 1100	15	4	26	280	398 58	.....	21
.....do.....	do.....	1101 to 1113	15	3	29	560	740 22	.....	39
.....do.....	do.....	1114 to 1120	15	3	30	280	398 58	.....	21
.....do.....	St. Croix.....	206 to 216, 2777 } to 2779, }	28	17	5	560	795 62	.....	42
.....do.....	do.....	2717 to 2730	28	17	17	560	795 62	.....	42
.....do.....	do.....	2731 to 2743	28	17	11	520	738 79	.....	39
.....do.....	do.....	2744 to 2751	28	17	14	320	454 64	.....	24
.....do.....	do.....	2752 to 2761	28	17	8	480	681 96	.....	36
.....do.....	do.....	2780 to 2781	28	17	30	320	454 64	.....	24
.....do.....	do.....	2762 to 2768	27	17	2	280	397 81	.....	21
.....do.....	do.....	2770 to 2776	27	17	2	280	397 81	.....	21
.....do.....	do.....	.....	.....	.....	.....	6,620	9,271 79	310 29	150 54

Lands Entered in the name of John McKinnon.

Date.	County.	No. Certificate	Description.	T.	R.	S.	N. Acres.	Sold for.	Principal	Interest.	Remarks.
Oct. 5, 1854	Bad Ax.	281	Lot 9	11	4	16	40	50 70	5 70	75	-----
do	do	282	do 10	-----	-----	-----	40	50 70	5 70	75	-----
do	do	283	do 11	-----	-----	-----	40	50 70	5 70	75	-----
do	do	284	do 12	-----	-----	-----	40	50 70	5 70	75	-----
do	do	315	do 13	-----	-----	-----	40	50 70	5 70	75	-----
do	do	316	do 14	-----	-----	-----	40	50 70	5 70	75	-----
do	do	317	do 15	-----	-----	-----	40	50 70	5 70	75	-----
do	do	318	do 16	-----	-----	-----	40	50 70	5 70	75	-----
do	do	288	do 1	12	5	16	40	50 70	5 70	74	-----
Oct. 6, 1854	do	289	do 2	-----	-----	-----	40	50 70	5 70	74	-----
do	do	290	do 3	-----	-----	-----	40	50 70	5 70	74	-----
do	do	291	do 4	-----	-----	-----	40	50 70	5 70	74	-----
do	do	292	do 5	-----	-----	-----	40	50 70	5 70	74	-----
do	do	293	do 6	-----	-----	-----	40	50 70	5 70	74	-----
do	do	294	do 7	-----	-----	-----	40	50 70	5 70	74	-----
do	do	295	do 8	-----	-----	-----	40	50 70	5 70	74	-----
do	do	296	do 9	-----	-----	-----	40	50 70	5 70	74	-----
do	do	297	do 10	-----	-----	-----	40	50 70	5 70	74	-----
do	do	298	do 13	-----	-----	-----	40	50 70	5 70	74	-----
do	do	299	do 14	-----	-----	-----	40	50 70	5 70	74	-----
do	do	300	do 15	-----	-----	-----	40	50 70	5 70	74	-----
do	do	301	do 16	-----	-----	-----	40	50 70	5 70	74	-----
do	do	351	do 1	14	1	16	40	50 70	5 70	74	-----
do	do	319 to 323	Lots 4 to 8	-----	-----	-----	200	253 50	27 50	3 70	-----
do	do	324 to 327	Lots 13 to 16	-----	-----	-----	160	202 80	22 80	2 96	-----
Oct. 5, 1854	do	928 & 929	sw se and nw	11	4	5	80	113 66	-----	1 88	Resold.
Nov. 1, 1854	do	939	ne nw	13	4	10	40	56 83	-----	94	do.
Oct. 5, 1854	do	930 & 931	sw sw nw	12	4	9	80	113 66	-----	1 88	do.
do	do	932 & 933	se ne and sw	12	4	15	80	118 66	-----	1 88	do.
do	do	932 & 934	nw sw	12	4	29	40	56 83	-----	94	do.
Nov. 1, 1854	do	940	ne nw	14	4	19	40	77 01	-----	90	do.

June 16, 1852	Columbia	11 to 14	ne of se nw se, sw 1, 2, 3, 5, 6, 11	11	3	160	243 20	58 48	9 08
Oct. 4, 1854	La Crosse	227 to 232	ne sw	16	16	240	567 48	58 48	8 51
.....	do	1030 to 1034	se ne sw se	17	5	195.50	321 09	.....	5 43
.....	do	1035 to 1036	se ne	17	4	80	174 01	.....	2 93
.....	do	1039	.....	16	6	40	56 94	.....	97
.....	do	1043	.....	17	5	160	241 92	.....	4 08
Nov. 12, 1854	do	1044 to 1045	.....	17	5	71.92	111 58	.....	.....
Oct. 4, 1854	do	1029	sw and se	17	5	40	67 65	.....	1 13
.....	do	1046	sw and se	16	5	40	56 94	.....	97
.....	do	1050	ne and sw	15	4	40	56 94	.....	96
.....	do	1054 to 1059	sw and ne	16	4	240	471 06	.....	5 76
.....	do	1054 to 1067	nw nw	19	5	160	227 76	.....	3 84
.....	do	1068	sw and ne	20	5	40	60 48	.....	1 01
Oct. 4, 1854	do	1069 to 1070	se sw & sw sw	19	4	80	128 02	.....	2 14
.....	do	1071 to 1074	ne and nw	16	4	143.55	224 64	.....	3 78
.....	do	1047 to 1048	nw sw sw sw	16	4	80	136 28	.....	2 28
.....	do	1076	sw and ne	16	4	40	56 94	.....	96
.....	do	1049 to 1050	se ne ne ne	16	7	79.33	126 77	.....	2 12
Oct. 4, 1854	do	1051	se sw	16	7	40	56 94	.....	96
.....	do	1069 to 1070	se se sw sw	19	4	80	128 02	.....	.....
.....	do	164 to 167	nw nw	19	5	160	388 70	.....	.....
Total	.....	.....	.....	.....	.....	3,654.30	6057 41	224 22	71 09

Lands Entered in the name of John A. Byrne.

Date.	County.	No. Certificate	Description.	T.	R.	S. N. Acres.	Sold for.	Principal	Interest.	Remarks.
Jan. 24, 1855	Adams.	254	1, ne	17	7	16	50 55	5 55	2 95	-----
do.	do.	255	4, ne	17	7	16	50 55	5 55	2 94	-----
do.	do.	256	13, se	17	7	16	50 55	5 55	2 94	-----
Aug. 17, 1854	Bad Ax.	140 to 142	lots 2, 4, 9	12	6	16	152 10	17 10	3 48	-----
May 1, 1854	do.	143 & 144	lots 3 and 14	14	6	16	101 40	11 40	2 12	-----
Sept. 30, 1854	Columbia.	461	14, se sw	11	10	16	87 37	9 37	1 37	Resold.
Jan. 15, 1852	do.	217	15	11	11	16	61 01	6 01	3 69	-----
Sept. 30, 1854	do.	462 to 465	3 to 6, ne nw, nw, } nw sw nw, se nw }	11	11	16	158 56	34 10	5 48	Resold.
do.	do.	466	13	12	10	16	82 61	8 61	1 30	do.
do.	do.	549	s e of se	11	10	24	57 39	-----	1 01	do.
do.	do.	550 & 551	sw of se & se se	11	10	23	114 78	-----	2 02	do.
Oct. 6, 1854	do.	470	6, nw se	13	7	16	52 02	6 02	76	do.
Sept. 23, 1854	Dane.	661 & 662	11 and 12	9	9	16	273 16	28 16	4 60	-----
Nov. 12, 1854	La Crosse	126 to 128	se nw	17	4	13	181 38	-----	3 03	-----
Dec. 6, 1854	Outagamie.	734 to 737	nw by nw	24	15	35	201 20	-----	92	-----
Aug. 12, 1854	Sauk.	384 & 385	11 and 12	12	3	16	101 50	11 50	2 68	-----
Aug. 2, 1854	do.	386 to 388	5, 6 and 7	12	3	16	152 25	17 25	4 02	-----
Sept. 29, 1854	do.	318 & 319	nw ne	11	5	19	114 66	-----	2 04	-----
do.	do.	320	ne se	12	3	26	79 73	-----	1 41	-----
Total				-----	-----	-----	2310 31	166 17	48 76	-----
								1,380.34		

Lands Entered in the Name of Robert Chandler.

Date.	County.	Certificate.	T.	R.	S.	No. Acres.	Am't sold for.	Principal.	Interest.
Dec. 13, 1854.	Pierce.	2668	27	19	18	40	56 83	-----	20
do.	do	2669	27	19	18	40	56 83	-----	20
do.	do	2670	27	19	18	40	56 83	-----	20
do.	do	2671	27	19	18	40	56 83	-----	20
do.	do	2672	27	19	18	40	56 83	-----	20
do.	do	2673	27	19	18	40	56 83	-----	20
do.	do	2680	27	20	25	40	60 35	-----	20
do.	do	2681	27	20	25	40	60 35	-----	20
do.	do	2674	27	19	29	40	56 83	-----	20
do.	do	2675-6	27	19	29	80	113 66	-----	40
do.	do	2677-8	27	19	30	80	113 66	-----	40
do.	do	2667	27	20	12	40	90 43	-----	31
do.	St Croix.	2695	31	19	36	40	60 35	-----	21
do.	do	2696	31	19	36	40	60 35	-----	21
do.	do	2655	31	19	36	40	60 35	-----	21
do.	do	2656	31	19	36	40	60 35	-----	21
do.	do	2658	31	19	36	40	60 35	-----	21
do.	do	2660	31	19	36	40	60 35	-----	21
do.	do	2657	31	19	36	40	60 35	-----	21
do.	do	2659	31	19	36	40	60 35	-----	21
do.	do	2686-7	28	17	20	80	113 66	-----	40
do.	do	2683, 4 & 5	28	17	23	120	191 95	-----	63
do.	do	2661-62	28	19	17	80	113 66	-----	40
do.	do					1160	1737 43	-----	6 02

Lands Entered in the name of Luther Frary.

Date.	Counties.	Certificates.	T.	R.	S.	Acres.	Sold for.	Principal.	Interest.
July 25, 1854	Columbia.....	460	13	11	16	39.44	80 52	8 52	2 18
do do do	do	454	13	11	16	39.36	80 56	8 56	2 18
do do do	do	455	13	11	16	39.32	120 20	12 20	3 25
do do do	do	456	13	11	16	39.26	80 16	8 16	2 18
July 25, 1855	Iowa	423	6	4	16	40	80 56	8 56	2 17
do do do	do	424	6	4	16	40	80 56	8 56	2 17
do do do	do	425	6	4	16	40	120 56	12 56	3 25
Dec. 30, 1854	do	179	5	2	29	40	90 56	.....	20
do 26, do	Richland	446-7-8-9	12	1	13	160	203 32	.....	20
do 30, do	St. Croix.....	2,703	31	19	35	40	50 30	.....	1
Nov. 28, 1855	Trempeleau.....	37-8-9 & 40	20	7	16	160	201 24	21 24	1 12

H. F. Frary.

July 21, 1855	Crawford.....	183-4 & 5	10	4	16	120	153 31	517 31	4 17
Nov. 28, 1855	Trempeleau.....	71-2-3 & 4	24	8	16	160	201 24	221 24	1 12

Resley & Frary.

Dec. 20, 1854	Outagamie.....	742 to 45	22	17	1	143.75	359 43	.....	76
do do do	do	746	22	17	8	40	102 64	.....	22

J. F. Frary.

M'ch. 3, 1855	Crawford	102	7	6	16	40	50 77	5 77	2 60
do do do	do	103	7	6	16	40	50 77	5 77	2 60
do do do	do	104 to 11	7	6	16	320	406 16	46 16	20 80
Feb. 5, do	Fond du Lac	396	14	19	16	40	31 00	3 00	1 26
do do do	do	397 & 8	14	19	16	80	97 00	9 00	5 55
Aug. 25, 1854	Grant	501 & 2	6	6	16	80	22 04	2 04	48
July 23, 1855	Racine	183	4	19	16	40	93 74	9 74	5 50
do do do	do								
Sept. 29, 1854	Sauk	314 & 15	12	5	30	80	154 08		2 71
do do do	do	316 & 17	12	3	27	80	137 06		2 40
Nov. 28, do	Trempeleau	119 & 20	20	10	16	80	100 62	10 62	56
do do do	do	123 & 4	20	10	16	80	100 62	10 62	56

J. H. Frary.

July 21, 1855	Crawford	173 to 180	9	4	16	320	406 16	46 16	11 12
Nov. 28, 1855	Trempeleau	99 to 102	20	8	16	160	202 93	21 93	1 12

Mary G. Frary.

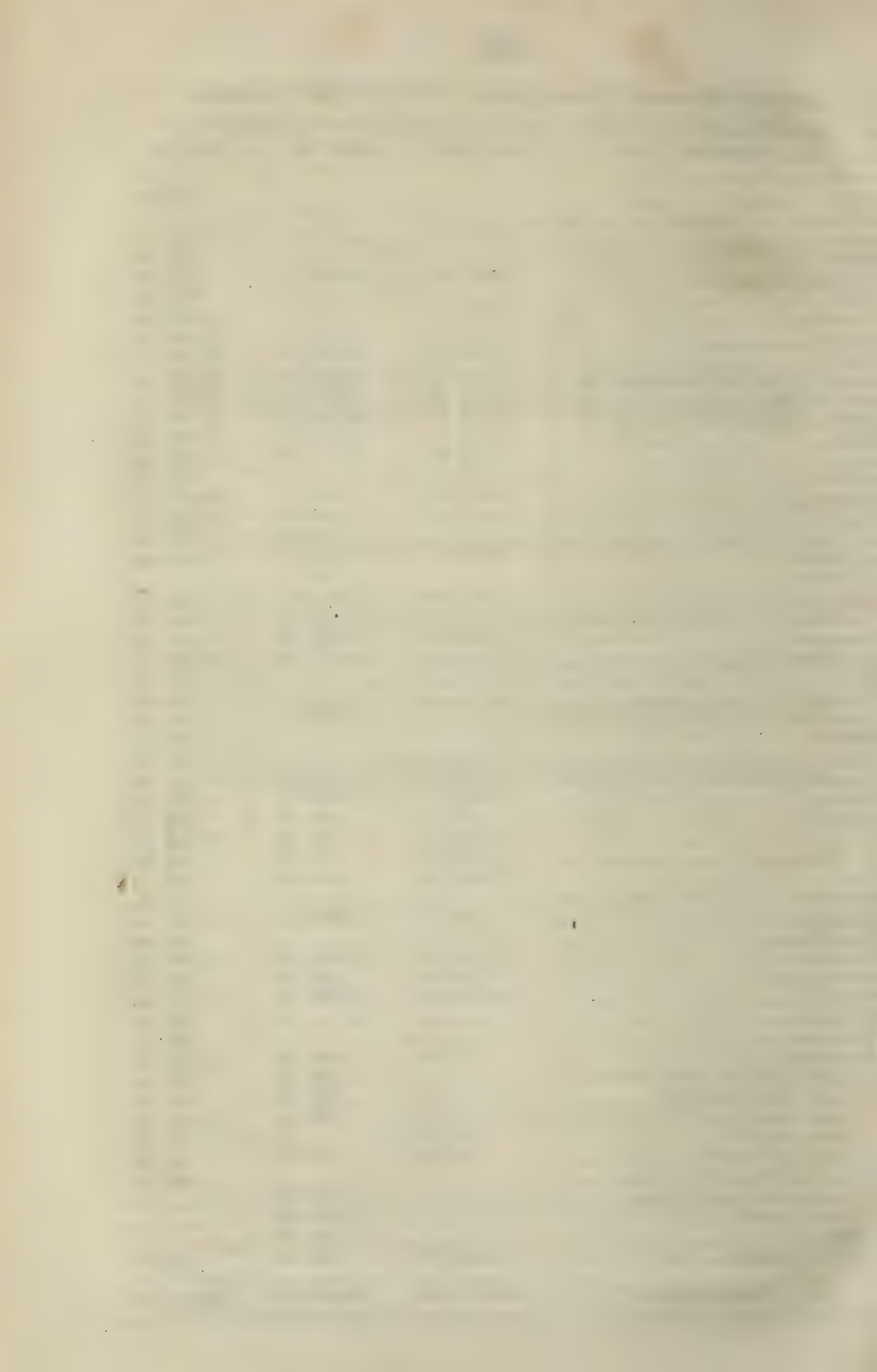
July 18, 1855	Sauk	440-1 & 2	9	4	16	120	152 25	17 25	4 26
do do do	do	443	9	4	16	40	50 75	5 75	1 42
do do do	do	444	9	4	16	40	50 75	5 75	1 42

Lands Entered in the name of William Chappell.

Date.	Counties.	Certificates.	T.	R.	S.	Acres.	Sold for.	Principal.	Interest.
Oct. 9, 1854	Brown	223	21	19	26	40	84 61	-----	1 33
do do do	do	224	21	20	9	40	84 61	-----	1 33
do do do	do	225	21	20	9	40	84 61	-----	1 33
do do do	Fond du Lac	408	14	16	16	40	121 46	12 46	1 73
do do do	do	409	14	18	16	40	86 18	9 18	1 22
do do do	do	410	14	18	16	40	101 30	11 30	1 43
do do do	do	411	15	15	16	40	161 78	16 78	2 30
do do do	do	412	15	15	16	40	103 30	10 30	1 41
Oct. 13, do	Iowa	429	5	4	16	40	136 58	13 58	1 84
do do do	do	430	5	4	16	40	136 58	13 58	1 84
do do do	Manitowoc	618	19	21	5	40	68 59	-----	1 09
do do do	do	627	19	21	8	40	68 59	-----	1 09
do do do	do	628	19	21	8	40	68 59	-----	1 09
do do do	do	573	20	21	33	40	72 84	-----	1 14
do do do	do	574	20	21	33	40	60 94	-----	96
do do do	do	575	20	21	33	40	72 84	-----	1 14
do do do	do	576	20	21	33	40	60 94	-----	96
do do do	do	581	20	21	33	40	68 59	-----	1 04
do do do	do	582	20	21	33	40	68 59	-----	1 04
do do do	do	597	20	21	34	40	60 94	-----	96
do do do	do	583	20	21	34	40	72 84	-----	1 14
do do do	do	584	20	21	34	40	72 84	-----	1 14
do do do	do	585	20	21	34	40	72 84	-----	1 14
do do do	do	586	20	21	34	40	72 84	-----	1 14
do do do	do	629	19	21	10	40	57 39	-----	91
do do do	Outagamie	223	22	16	16	40	67 70	6 70	1 02
do do do	do	224	22	16	16	40	62 10	6 10	94
do do do	do	252	13	20	16	40	131 40	13 40	1 80
do 12 do	Sheboygan	319	2	15	16	74	270 14	28 14	3 84
do 9 do	Walworth	330 to 222	3	17	16	120	640 32	65 32	9 13
do do do	do	467 & 8	13	12	16	70	275 68	27 68	3 94
do do do	Columbia	-----	-----	-----	-----	-----	-----	-----	-----
Total.....	-----	-----	-----	-----	-----	1,329 .93	3,568 55	234 52	52 44

Abstract General Fund from 1851 to 1856 inclusive.

Counties.	1851-'52.	1853-'54.	1855-'56.
Adams.....			1,475 38
Bad Ax.....		223 69	
Brown.....	7,036 12	3,662 31	6,343 95
Buffalo.....			122 50
Calumet.....	2,185 44	2,032 51	3,920 65
Clark.....			297 56
Columbia.....	5,479 35	6,005 71	15,661 49
Crawford.....	1,905 06	1,158 77	2,002 59
Dane.....	11,982 39	10,081 10	26,880 38
Dodge.....	11,189 73	8,261 13	18,897 58
Fond du Lac.....	10,136 13	9,620 10	20,495 03
Grant.....	14,097 77	10,236 88	19,785 35
Green.....	4,910 12	4,604 67	11,660 89
Iowa.....	7,509 02	5,291 38	11,405 64
Jackson.....			315 73
Jefferson.....	8,674 31	7,693 51	16,074 36
Kenosha.....	2,131 91	6,731 98	13,883 69
La Crosse.....		939 94	3,767 61
La Fayette.....	8,400 11	3,185 65	12,673 96
La Pointe.....		38 07	
Manitowoc.....	4,267 07	2,944 87	7,545 57
Marathon.....		150 00	882 63
Marquette.....	4,424 06	4,752 73	11,015 33
Milwaukee.....	22,811 82	21,137 09	43,269 24
Monroe.....			227 50
Oconto.....			805 62
Outagamie.....		1,556 61	3,154 49
Ozaukee.....			6,206 59
Pierce.....			725 00
Portage.....	330 60	325 00	3,011 00
Racine.....	17,859 91	8,282 37	17,502 84
Richland.....	148 91	573 83	2,508 71
Rock.....	18,418 80	111,586 50	26,248 80
St. Croix.....	264 62	185 64	712 34
Sauk.....	3,345 26	3,800 00	8,108 42
Shawano.....			150 00
Sheboygan.....	6,700 99	5,796 38	12,278 41
Trempeleau.....			122 50
Walworth.....	16,312 28	10,013 83	17,864 90
Washington.....	5,758 93	5,758 15	9,293 88
Waukesha.....	10,834 33	10,140 45	20,529 55
Waupaca.....			827 52
Waushara.....			1,958 58
Winnebago.....	5,110 29	5,468 98	11,346 29
Hawkers and Pedlars' Licenses.....		2,680 00	1,706 08
Canal Land Mortgages.....	3,507 73	597 53	3,351 11
Bank Taxes.....		906 25	44,340 42
Taxes on Suits.....	377 27		294 56
Taxes on Telegraph.....	138 00	118 00	65 00
Rail and Plank Road Taxes.....			5,386 85
Treasurer of Land Office.....		4,636 10	
State Loan.....		15,000 00	
State Bonds.....		34,000 00	
Other Receipts.....	4,965 13	219 64	254 00
Total Receipts.....	224,213 46	229,397 36	443,647 18



REPLY OF INVESTIGATING COMMITTEE

TO THE

COMMUNICATION

OF

Hon. Geo. B. Smith and Alexander T. Gray,

MADE TO THE

LEGISLATURE, OCTOBER 10, 1856.

REPORT OF INVESTIGATING COMMITTEE

OF THE

COMMISSIONERS

OF THE LAND OFFICE, ALBANY, N. Y.

ALBANY, N. Y.: 1880.

REPORT.

The Joint Committee to whom was referred the communication of the late School Land Commissioners, have examined the defence of said commissioners, as contained in said communication, and would respectfully report :

That the communication misrepresents the facts in relation to the application of George B. Smith to Mr. Potter, of the committee, on the 26th of August. The facts, as stated by Mr. Potter, are these : Sometime in the latter part of August, while busily engaged upon the duties of the investigation, Mr. Smith came into the senate chamber, and demanded as a right that he should be allowed to examine the testimony taken before the committee. The committee were not then in session. To this demand Mr. Potter demurred, saying that Mr. Smith had no more right in the premises than any other citizen. Mr. Smith then asked if he might be permitted to peruse the testimony of John A. Byrne, and he was permitted to do so. He then requested that Mr. Byrne should be examined, and was told that if it was Mr. Byrne's wish it should be complied with ; and on Mr. Byrne signifying such to be his wish, he was again examined in the presence of Mr. Geo. B. Smith, in the presence of Mr. Taylor and others of the committee. Within a day or two of this, Mr. Smith asked Mr. Potter to lay before the committee this proposition : That the commissioners should be allowed to appear before the committee and ex-

amine the evidence taken by them, and produce before them rebutting testimony. In reply to this request, Mr. Potter distinctly stated to Mr. Smith, that the committee were not then in town, but as soon as the committee met again his proposition should be laid before them. As soon as the committee met, the proposition was stated to them, and was unanimously objected to. It will be seen that no desire was intimated by the commissioners to come before the committee until within a day or two before the meeting of the legislature, and at a time when every moment was occupied in preparing to report. Had the proposition as made by Mr. Smith been assented to by the committee, the report must have been delayed for many weeks, and the investigation turned into a trial of the commissioners. The letter signed by Smith and Gray is dated Sept. 1st, and the legislature met on the 3rd. This is a sufficient answer to all that is said in relation to the application of the commissioners to be heard before the committee. It is evident that their great object was to delay the action of the committee, and to excite in the minds of some persons a little sympathy on account of the refusal of the committee to accede to their proposition. To proceed to the defence put forth by them. After a careful perusal of it, and on examination of its premises, but one impression can prevail, and that is, that it appears to be the earnest desire of the commissioners to throw all the blame of what they are pleased to call "irregularities," upon their predecessors, and upon Mr. Janssen, their colleague. The committee will here state in the outset, that a full examination of all the books and papers found in the several state offices was made. That no labor was spared to make the examination thorough, and that the facts and conclusions arrived at and stated in that report are proved correct by the evidence, not only of the clerks who were the employees of the commissioners, but also by the books and records of the same commissioners. The committee apprehend that it will require something more than the mere denial of men, who stand before the people convicted, on their

own testimony, of the most criminal neglect, and utter indifference to the highest interests of the state, and of unfaithfulness to the responsible charge with which they were entrusted, to overthrow the testimony produced to the legislature. The commissioners charge the Report as unfair, because they say, "a sweeping charge" is made that the books in the land office are disfigured and defaced with erasures, &c. That this charge is true, we appeal to the books themselves; and make proof of them to all who will take the trouble to go into the office, and view them. They present a spectacle which carries with it a premonition of the subsequent disposition of "the school lands," and seem an appropriate record of something lost. The commissioners complain that no dates of erasures, &c., are given by the committee. It is true that the date when the scratching commenced was not mentioned in the report, for the reason that those who did it, forgot probably to put down the date. The commissioners also complain that there is no exhibit or proof submitted by the committee on this point. The committee might have presented with their report the books, numbering several large volumes, as "exhibits," if they had deemed it advisable; but as what was scratched out could not well be printed, and as lithographing is expensive, they concluded not to do so, but thought it proper to state the fact, and if any one doubted it, one look at the books in the office would impart faith.

The defending commissioners in their summary of disproved charges, state as the 2d the following: "2d. It is charged that the undersigned, without Mr. Janssen's co-operation, authorized Mr. Besley to draw money for the payment of clerk hire. We have disproved the charge, by exhibiting a certified copy of the original voucher, with Mr. Janssen's signature accompanying our own, and we have shown the necessity of our thus paying the clerks, or of entirely closing the school land office." In reply to this declaration of the commissioners, your committee assert, that the commissioners in their reply to the report of the committee have

evaded the substance of the charge, made against them in the report, which was that these commissioners authorized, so far as they could authorize, advised and directed the treasurer, to pay out of the treasury moneys belonging to the school fund income, to the amount of \$8,478 30, in payment of their clerk hire, without authority of law, and in violation of the constitution of this state. This was the substance of the real offence, charged against said commissioners, and whether they did this act with or without the co-operation of Mr. Janssen, is entirely immaterial so far as their guilt or innocence is concerned. It cannot lessen the guilt of these commissioners, if they have unlawfully ordered money to be paid out of the treasury, to plead that some other person, concurred in the issue of such unlawful order. The immaterial issue made by the commissioners is stated as follows: "It is charged that the undersigned (meaning the commissioners,) without Mr. Janssen's co-operation, authorized Mr. Besley to draw for the payment of clerkhire," and they assert that they have disproved of the charge, by exhibiting a certified copy of the original voucher, with Mr. Janssen's signature accompanying theirs.— Now although this point is wholly immaterial, so far as relates to the commissioners implicated, and your committee can only come to the conclusion, that it was put forward in order to direct the attention of the public from the real point, yet as it is alleged by the commissioners, that it was made a point in the report of the committee, and that they have proved it to be false, your committee will briefly examine the evidence submitted by the committee to disprove the same.

It is true your committee did state in their report that the order given to draw this money out of the treasury was given to Mr. Besley, without consulting with their co-commissioner, Mr. Janssen. This the committee stated upon the oath of Mr. Janssen himself, and your committee cannot find anything submitted by the defending commissioners to disprove the sworn statement of Mr. Janssen.

All that the commissioners say on this point, in their attempt to discredit the statement of Mr. Janssen, in their submitted defence, is the following : " Had we been permitted to appear before the committee, or had the committee taken the trouble to go to the files in the secretary's office, this statement would never have had a place in their report. It is not true, and we are at a loss to know how Messrs. Janssen and Seaver, could have made so gross a mistake. The facts are these : Upon the adjournment of the legislature in 1855, without its making any provision, having refused in fact to make any provision, for the payment of the clerks in the school land office, the commissioners (Mr. Janssen included,) consulted together, and came to the conclusion, that rather than have the business in that office suspended, they would take the responsibility to continue its operation, and pay the clerks from the school fund. Accordingly having examined the accounts for clerk hire, sent in from that office, they all signed their approval of them as correct, and the secretary of state audited them payable from the school fund ; that they were so audited and paid appears from the secretary's report of last year. Again, on the 31st of December, 1855, accounts from that office to the amount of \$4,940, were presented to the commissioners, and again Mr. Janssen, with us his associates, signed a certificate approving the same, and the secretary audited accordingly. For proof see the certified copies of these accounts herewith furnished, and marked " A." There is nothing in the testimony of either Mr. Janssen or Mr. Seaver, to establish the assertion that we made any arrangement with Mr. Besley to draw on the treasury for any amount whatever. It is absurd to say that we authorized him to do so, for the treasurer of course would not recognize any such authority, knowing as he did, that we as commissioners, had no authority in the matter. Mr. Besley could regularly draw money from the treasurer, only upon the certificate of the secretary of state, and that officer audited no account for clerk hire in the school land office, until after its approval by all three of the commissioners.

If Mr. Janssen paid Mr. Besley anything in anticipation of such action by the commissioners and the secretary, he did it on his own responsibility. We believe we did right in providing for the payment of the clerks, and that it is unjust to charge this as a deficiency in the treasury."

In no part of this statement is it denied, that they authorized Mr. Besley to draw on the treasurer for the money to pay the clerks in the school land office. It is true that the defending commissioners assert, that after the adjournment of the legislature in 1855, a consultation of the commissioners, including Janssen, was held, and that it was determined to take the responsibility of paying the clerks from the school fund, that the accounts were examined and found correct, that all the commissioners signed their approval of them as correct, and the secretary of state, audited them payable out of the school fund, and that at the close of the year 1855, the same examination, approval and auditing of the accounts for that year was had. It will be perceived that the defending commissioners do not allege that the payments to the clerks were made after such auditing and certifying of their accounts; nor, but that the clerks were paid previously to such time, and by the direction of the defending commissioners. But they insist that any order they might have given on the subject to the treasurer was illegal, and in no way binding the action of the treasurer, and that if he paid on any such order, he did it in his own wrong. All this may be, and undoubtedly is, true, but it in no way disproves that such illegal order was given, by the attorney general and secretary of state, and that such illegal order was complied with by the treasurer. The presumption is strongly in favor of the conclusion, that the clerks in the school land office were paid at least as often as quarter yearly, during the year, and that these payments would not be made by the treasurer out of the school fund or any other fund, for the safe keeping of which he was accountable, without some direction from some other of the state officers, whom he supposed had authority to give the direc-

tion. These clerks, were the clerks of the school land commissioners. The treasurer was one of these commissioners, but in paying money out of the treasury, he did not act as commissioner, and he would be likely to look to the other commissioners for directions, especially as this act of paying the clerks was of doubtful legality, and as one of these commissioners was not only commissioner of school lands, but also the counsel of the state, and her officers. The clerks could not well wait the expiration of the year for their pay, the accounts were not audited until the end of each year. The result is they must have been partially paid at least, before the auditing of the accounts, and the defending commissioners do not allege that these payments of the clerks made before these accounts were audited, was not made on the illegal order of the commissioners, as stated by Mr. Janssen. Your committee cannot therefore perceive, that the defending commissioners have in any way sustained by proof or statement, their side of even the immaterial issue presented by them in their answer to the report of the committee.

Your committee will now proceed to consider the defence made by the defending commissioners, against the real charge of official misconduct, brought against them by the committee in this report. The charge is substantially this, that these commissioners, advised, counselled, and so far as their authority extended, ordered Janssen, the treasurer, and their co-commissioner, to pay out money in his custody as treasurer of the school fund, in violation of the provisions of the constitution of this state, and in payment for services of clerks, who by the laws of this state, were directed to be paid out of funds in the hands of said commissioners, and which were received by them in the shape of fees, for services in the school land department.

This charge is one of a grave character, and its enormity does not consist in the fact of its having been done with or without the consent and original concurrence of the co-commissioner. All who counselled, advised or in any way aided in taking the moneys

of the state, belonging to the school fund or any other fund, out of the treasury, in violation of the constitution, are equally guilty. In defence of this grave charge, made against the commissioners, the defending commissioners do not plead the authority of law. They do not deny but that they aided, advised and counselled the open violation of the provisions of the constitution of this state, which provides "That no money shall be paid out of the treasury except in pursuance of an appropriation by law;" but as a defense they admit the violation of the constitution, and allege as an excuse for trampling upon its provisions, and violating their official oaths, "a necessity" more imperative in its requirements, and more obligatory upon their consciences, than the requirements of the constitution or the obligation of official oaths; and in their submitted statement and defense they claim to have shown the existence of this overwhelming necessity. The language used by them in their defense, claiming to have shown this "necessity" is positive, as follows: "And we have shown the necessity of thus paying the clerks, or entirely closing the school land offices."—Where or how the defending commissioners have shown the necessity of making these payments of their clerks in the school land offices, out of the school fund income, or of entirely closing the school land offices, in their submitted defense, your committee are entirely at a loss to ascertain. The only reference to this subject of the necessity of making these payments out of the school fund found in the submitted statement of the commissioners, is the following:

"The facts are these: upon the adjournment of the legislature in 1855, without its having made any provision, having in fact refused to make any provision, for the payment of the clerks in the school land office, the commissioners, (Mr. Janssen included,) consulted together and came to the conclusion, that rather than have the business in that office suspended, they would take the responsibility to continue its operation and pay the clerks from the school fund."

Your committee, without fear of contradiction, assert, that the foregoing statement contains no shadow of proof, that any necessity existed for thus unlawfully appropriating the moneys of the school fund, to the payment of the clerks in the school land office. The commissioners not only fail to prove the existence of the alleged necessity, but they do not even assert its existence, except inferentially. Your committee might here leave this subject, having shown the weakness and falsity of the presented defense of the commissioners to the charge brought against them! That the evidence submitted by the committee convicts these commissioners of having unlawfully aided, advised and counselled the payment out of the school fund income, the sum of \$8,478 70 for clerk hire in the school land office, in direct violation of the constitution and laws of this state. Your committee have no doubt in their own minds, but as the defending commissioners have stated, that there was a necessity for violating the constitution and laws of this state, and this "necessity" was of such an impartive nature, as not only to excuse but justify the state officers in violating the constitution and their constitutional oaths of office; and as your committee are also aware that Wm. A. Barstow, late governor of this state, in a message to the legislature also justified this unlawful appropriation of the school fund income and violation of the constitution by the state officers, using the following language upon this subject in his said message:

"Several clerks must necessarily be employed, and a suitable person should be placed in charge, to oversee and direct the business under the control and general supervision of the board of commissioners. This will of course create expense, and while it does so, the importance and magnitude of these funds are clearly to my mind sufficient to justify the same, and amounting as they do, to over two millions of dollars held by the state in trust for a sacred purpose, I cannot think there should be any hesitation whatever on the part of the legislature to adopt suitable measures for their protection and efficient management. The commissioners, from a

sense of justice, and the duty attendant upon their position, have ventured to assume such responsibilities in the premises as the importance of their trust seemed to demand. A bill for this purpose did meet with the favorable action of one branch of the last legislature, but immediately upon its being reached by the other branch, was indefinitely postponed, thereby showing a reckless disregard for funds of which we may and do justly feel proud, and which you, as the watchful guardians of the interest of the rising generation, should carefully protect."

Your committee have deemed it proper to present to the legislature, a brief statement of the facts relating to this subject. It is true that the legislature of 1855 adjourned without having made any appropriation for the payment of the clerks in the school land office, and that such legislature refused to make any appropriation for that purpose. It is also true, that at that time the governor and the now defending commissioners considered it necessary that the legislature should make an appropriation by law, in order to justify the paying of these clerks out of the school fund, and that without the passage of such a law, no payment could be lawfully made. As the commissioners have not seen fit to state the reasons given by the legislature for the refusal to pass the appropriation law, demanded by the governor and the commissioners, your committee will so far as they are able, proceed to state the same: 1st. The legislature refused to make the appropriation, because the law had already made provision for the payment of all clerk-hire the commissioners might require by providing for the payment of fees to the commissioners, on the sales of school lands and the issuing of patents, and the custom established by the commissioners of charging fees on the loans of money belonging to the school fund, materially increased the fund provided for that purpose. 2nd. The legislature refused the appropriation because the money received by the commissioners, under the provision of the law above referred to, and the construction given to the same by them and their predecessors, were

sufficient and more than sufficient to discharge all claims for clerk hire, and still leave the commissioners a very large revenue for their own use. The provision of law above referred to, is the section 55, of chapter 24, of the revised statutes, which chapter defines the duties of the commissioners of the school and university lands, and regulates the sale of such lands and the investment of the funds arising from sales ; the section reads as follows :

“The secretary of state and treasurer shall each be entitled to receive twenty-five cents for each duplicate certificate of sale issued by them, and the same fees for each patent granted, to be paid by the purchaser or grantee, which shall be in full payment for clerk hire and expenses incurred in discharging the duties required of them by this chapter.”

This was the law when these commissioners were elected to office ; they knew, or ought to have known its provisions at the time they accepted their respective offices. By accepting office under the law as it then stood, they undertook to perform the duties of their several offices faithfully, for the compensation fixed by law. It is the same law under which their predecessors performed the same duties required of them, and this law was not changed in any respect, so far as fees or compensation was concerned, during the time of office of said commissioners.

Your committee will now proceed to show, that, under the provisions of the law above referred to, and the construction put upon it by these commissioners and their predecessors, an abundant fund was realized by the commissioners, for the payment of all necessary clerk hire, and other expenses of these commissioners. Under the foregoing provision of law, it has been and still is the custom of the commissioners, to sell all school lands in tracts of not exceeding 40 acres to the tract, and of charging \$1.25 on the sale of each tract of school and university lands, whether such tract contained 40 acres or less. Fifty cents for each patent issued, and under another custom established by said commissioners, they have charged four dollars on each loan of

school or university moneys, made by them. Your committee have ascertained from the reports of the commissioners of the school and university lands for the years 1854 and 1855, the following facts :

The whole number of acres of school and university lands sold in 1854, see report of school land commissioners, made 1855, pages 6 and 7, is 379,217 acres, as follows :

Of the 500,000 acre tract	203,723·97 acres.	
Of the 16th sections	135,704	"
School lands forfeited and resold.....	23,898·13	"
University lands.....	15,489·88	"
University lands forfeited and resold	401·58	"

This number of acres divided into tracts of forty acres each, gives 9,480 tracts sold in 1854.

The whole number of loans made in 1854, (see same Report, pages 10 to 18,) is 233.

The whole number of patents issued is 346, as taken from Patent Books. There were also sold in 1854, 192 village lots in the village of Schoolcraft, in Richland, which, added to the 9,480 forty-acre tracts sold, gives 9,672 sales, upon each of which the commissioners received \$1 25,

Making on sales	\$12,090
Amount received on 233 loans, at \$4 each	932
Amount received on 346 patents, at 50 cents each..	173

Making whole sum rec'd by com. in 1854, for fees 13,195

The whole number of acres of school and university lands sold in 1855, (see Report of the Commissioners of School and University Lands, made in 1856, pages 6 and 7,) 166,698·50 acres, as follows :

School lands sold in 1855	161,018·50
University lands sold in 1855	5,680

This number of acres divided into tracts of forty acres each, gives 4,167 tracts sold in 1855.

The whole number of loans made in 1855, is 209. See same Report, pages 13 to 20.

The whole number of patents issued in same year, is 447. There were also sold in 1855, ninety-one village lots, in the county of Calumet, which added to the 4,167 forty-acre tracts, gives 4,258 sales for 1855, upon each of which the commissioners received \$1 25,

Making	\$5,322 50
Amount received on 209 loans, at \$4 each	836 00
Amount received on 447 patents, at 50 cents each	223 50

Making whole sum rec'd by com. for fees in 1855, \$6,382 00

Add the amount of fees received in 1854..... 13,195 00

And we find that the school land commissioners received during their two years time of office the very large sum of \$19,577 in fees, 19,577 00

After deducting from this sum the amount the commissioners paid out for recording the mortgages taken by them, allowing one dollar for each, making in the two years \$442, we have the sum of \$19,135, or \$6,378.33 for each of the three commissioners, received as fees in the discharge of the duties of School Land Commissioners.

Your committee are confident that the amount above stated is not over estimated, as your committee perceive that many sections of the school lands were sold in less quantities than forty-acre tracts, and are informed by the clerks in the school land office, that the custom is to charge \$1 25 on the sale of each tract, whatever may be the size of the same.

It will also be recollected, that these three men, who acted as commissioners of the school and university lands, were each holding a salaried office—one was secretary of state, one treasurer, and one attorney-general. The secretary of state having an assistant paid by the state; the treasurer having an assistant paid

by the state, and charges for extra clerks for each of these officers regularly paid by the state. The secretary of state also receiving large sums, in the shape of fees, pertaining to his office as secretary.

What was the position of the school land commissioners when they solemnly declared it was either necessary to close the business of the school land department, or commit a robbery upon the school fund income? It was this. The secretary of state and a commissioner, was receiving a salary fixed by law, of \$1,200.—His assistant paid by the state, a salary of \$1,000, necessary extra clerkhire in the secretary's office, paid by the state, and all stationery and other office expenditures paid by the state, and at the same time receiving considerable sums, by way of fees, pertaining to his office as secretary.

The treasurer, and a commissioner, was receiving his salary fixed by law at \$800. His assistant paid by the state a salary of \$1,000. Paid by the state, for constructive services as keeper of bank securities \$500 per annum, and all necessary expenses of office paid by the state, including occasional clerkhire.

The attorney general and a commissioner, was receiving his salary fixed by law at \$800, and all his necessary office expenses paid by the state, and the duties of the office not onerous.

The three jointly having in their possession the sum of \$19,135 of the people's money, received in the shape of fees, for services performed almost entirely by the very clerks who were to be paid; and these fees dedicated by law to the payment of this same clerkhire, what becomes of the "necessity" alleged by the commissioners, as an excuse for the robbery of the school fund? Had they paid the sum necessary to satisfy the demands of their clerks, they would still have received each during his term of office the sum of \$3,552, surplus of fees received for the services of clerks, upon whom these same commissioners now charge all the irregularities and abuses committed in this department. Your committee charge that the attorney general of the state, who coun-

selling the payment of this clerkhire out of the school fund, the secretary of state, who audited the accounts and drew his orders on the treasurer for the payment of the same, and the treasurer who cashed the unlawful order, were each guilty of a violation of a plain provision of the constitution, and of unlawfully appropriating to their own use, those moneys which had been dedicated by law, to the payment of this same service. In concluding this subject, your committee have only further to say that they did believe and still believe, that Mr. Janssen would naturally look to the counsel of the state, for advice in a transaction of such doubtful legality, and that he acted in this matter more upon the advice of the attorney general of the state, than upon his own judgment of what was his duty in the premises.

The next point alluded to by the commissioners is in relation to the secretary of state, or his assistant, auditing accounts and drawing the amount from the treasury on his receipt. And after admitting that the assistant secretary of state has been in the habit of doing this at the request of parties, they say, that the committee do not pretend that any abuse was ever committed under the practice. The committee mentioned this as liable to abuse, but did not cite any cases, which came to their knowledge, because they were satisfied to call the attention of the legislature to the evil without unnecessarily disturbing the feelings of any person. But as the commissioners are anxious for facts, the committee ask the attention of the legislature to the testimony of Otis Hoyt and Edmund R. Otis, herewith submitted, which shows the following statement of facts: E. R. Otis was the publisher of "The Hudson North Star," in 1854. In the fall of that year, Mr. Otis published a list of school lands advertised for sale, numbering 128 lots, and presented his bill or account for the same at ten cents per lot, being \$12 80. This account was presented late in the fall of 1854, and sometime in the early part of the year 1855 Doct. Hunt sent Otis \$13. The account was audited January 3d,

1855, as appears from the certificate, of which the following is a copy:

STATE DEPARTMENT,

\$64.

Madison, Jan. 3d, 1855.

To the State Treasurer:

Sir,

By virtue of authority vested in me by law, I have this day audited the account of E. R. Otis, for publishing, and allowed the same at sixty-four dollars, payable from the school fund.

J. W. HUNT,

Ass't. Sec. of State & Auditor.

Received of E. H. Janssen, State Treasurer, Madison, 185—, — dollars, in full for the account named in the foregoing certificate.

EDMUND R. HOTIS.

HUNT.

Mr. Otis says, the first intimation which he had that the bill had been audited at more than its face, was the letter of Doct. Hunt, dated the 19th February, 1856, in which letter Otis says Dr. Hunt informed him that he had paid over the money to Hoyt. It will be seen that Hoyt swears, March 20th, 1856, that Dr. Hunt told him that the money had been paid to Otis. Dr. Hunt says, that the reason for allowing \$64 instead of \$12 80, the amount charged (by Otis) was, that the commissioners had adopted a new rule to allow 50 cents for each description, instead of ten cents as had been the custom hitherto, and that he paid the account as it was presented; and when it was audited at \$64, he drew the money on it for Otis. Hoyt says, Dr. Hunt spoke to him about the matter, sometime in the summer of 1855, and told him he had a balance in his hands due for the publication of school lands, and Hoyt told Hunt to hold on to it until some arrangement could be made as to whom it should be paid, as Hoyt had had some interest in the paper. Hoyt further says, that Hunt again spoke to

him in February, 1856, about it, and he told Hunt not to pay the money to Otis. This transaction certainly shows that there is danger in a system of this kind. There is quite a large number of certificates and receipts, signed by the assistant secretary of state, in the same way, when the money has been drawn by him from the treasury, probably at the request of the party owning the account, but we think the commissioners will now be able to see that the practice is not a safe one—for it will be seen, by the letter of Otis, that Dr. Hunt sent him the \$13 in the early part of the year 1855—and it will also be seen, by the copy of the certificate of Hunt, that the account was audited Jan. 3, 1855. This shows that the money must have been sent to Otis either after the account was audited, or at about that time. It will also be seen that Dr. Hunt retained the \$51 in his hands from Jan. 3, 1855, until the following summer, before he said any thing to any one about it, and until Feb., 1856, before Otis, in whose favor the amount was audited, was notified of the fact of its having been allowed at more than its face.

The commissioners seem inclined to excuse the practice which, they admit, prevailed in the treasury department, of allowing state officers to take out money on "slips," or "goods," on the ground that it was an accommodation to the treasurer to pay out money in this way to officers. From the testimony of Habich and Seaver, the committee had come to the conclusion that it also had been an accommodation to the state officers, but as the commissioners say nothing about this, it is possible that the system was adopted for the relief of the treasurer.

Habich states, that the governor, secretary of state, attorney general, and others, were in the habit of taking money from the treasury in this way, and Seaver seems to think that the defalcation of Janssen is owing in a great measure to this practice and to double payments—if so, the committee cannot view the matter in *precisely* the same light as do the commissioners—that is, as solely an *accommodation* to the treasurer. This may, however,

be owing to the different positions from which the committee and the commissioners view it.

In relation to the practice of marking land "sold" on the sales books, the commissioners complain that the fact is only proved by one witness. When it is recollected, that the committee were necessarily somewhat restricted in the number of witnesses whom they had reason to suppose could impart to them any information upon these matters, and that they could not call upon others than those who had been clerks in the office, to prove transactions of this nature, it could not have been a matter of surprise if but one witness only had sworn positively on this point. But it is a matter of congratulation to those who would have these corruptions exposed, that the witness who did testify positively to these enormous frauds upon the people who wanted these lands for settlement, is a man of unimpeachable veracity—one whose character stands fair before the community, and far above the reach of the unmanly and dishonorable imputation which the commissioners attempt to cast upon him. Capt. Charles Huggins now occupies a responsible position in the department of the secretary of state, and possesses not only the confidence of that officer, but of all who know him, and was at the time of these transactions, a clerk in the school land office.

The commissioners say that they were not cognizant of these transactions, and that there is no evidence to show that they were. The committee submit, that if the commissioners had given the slightest attention to their official duties, an occasional glance at their books would have exposed to their view these fraudulent practices. By reference to the testimony of Mr. Frary it will be seen that he too testifies, that these practices prevailed in the office. The commissioners complain that the report does not state Mr. Frary's testimony fairly, but by reference to it, it will be seen that it is not stated as strongly in the report as it is given in the affidavit. He says he marked lands "sold" when they were not sold, "by direction of and under the authority of persons

who had the control of the sale of school lands," but he refused to state who gave him these directions. Here are two witnesses who swore that these practices prevailed in the office, while the commissioners assert there is but one.

In relation to the signing of blank certificates, the commissioners do not deny the fact, but attempt to screen themselves from the guilt of this gross and deliberate violation law, behind the wrongful acts of their predecessors, seeming to labor under the impression, that if they can increase the number of criminals they thereby lessen the crime. This only shows the greater extent of the evil, and the commissioners admit a worse state of things in relation to these matters than the report attempted to show. They say the law never was complied with. Your committee can scarcely credit this, as the great amount of illegal issue of certificates, without payment of any money, was made during the administration of these commissioners. The committee admit that it is necessary to trust to some extent the clerks in the office, but they deny the necessity of leaving the whole business of the office to them, without a thought or care on the part of those upon whom the state had imposed the responsibility; leaving the clerks to make sales—to adopt systems—to issue certificates; and especially are they unwilling to admit any necessity for the constant, daily violation of the law of the state, as was done in signing these blank certificates, and placing them within the reach of all who might desire to use them. These things are all proved by the testimony of the clerks who were in the office at the time. The pay, which the commissioners received was entirely ample to compensate them for the devotion of their whole time to their official duties. They must each have received in salary and fees at least four thousand dollars per year.

In this connection the commissioner say there is no such office known as "Acting Commissioner." The great cause of complaint is that there has not been any thing else known for the past two years but "acting commissioners," and they *over-acted*. Mr.

Besley swears that the commissioners gave up matters to himself, Seaver and Dr. Hunt, to get up a set of books, adopt rules, &c., and that they gave them no instructions. The testimony of others goes to show almost an entire abandonment by the commissioners of every thing, but salary and fees, to the clerks, and sometimes it seems they complained even that the clerks were taking from them too large a share of fees. If under such a state of things the clerks were not "acting commissioners" it would certainly be difficult to tell who were commissioners. True, the law, knows no such officers as "acting commissioners," but the commissioners having been above the law during their term of office, the law cannot be the measure of their knowledge.

The commissioners further say that there is no table accompanying the report showing that there is a deficiency of \$16,245 94, or of any amount occasioned by the issue of certificates without the required payment. There is such a table accompanying the report showing just such an amount, and the examination of the commissioners must have been very superficial not to have discovered it. The table also shows the dates of the issue of those certificates as nearly as could be ascertained from the books.

In relation to the penalties which were not accounted for by the treasurer, the committee have only to say that the books of the commissioners show a deficiency of \$23,678 77, either paid and unaccounted for, or remitted by the commissioners. The commissioners deny that they allowed their clerks to embark in the business of trafficking in school lands. In doing this they flatly contradict the testimony of Frary and of Byrne given under oath. These witnesses were clerks in the office of the commissioners and they both swear positively that the commissioners did know they were trafficking in school lands, and when the commissioners state, as they do in their communication, that there is not a word of proof to establish in the mind of any candid man the belief that they knew that entries were made for the benefit of clerks, they state, what the evidence, which accompa-

nies the report, proves to be utterly false. In relation to the charge that many of the appraisals of school lands were defective, the commissioners offer the certificate of the secretary of state, to show that there is evidence of the appraisal of all the lands in every instance for the years 1854 and 1855. If that certificate means that there is evidence in the secretary's office that all the school lands appraised were appraised under oath—it is untrue. If it means that there is evidence in the secretary's office, that all the school lands sold, have been appraised, legally or illegally, it is untrue. The committee assert this, and have examined all the papers in the secretary's office. One of the committee called three times at the secretary's office for papers concerning the appraisal of school lands, before any could be found, and when they were found, they were fully examined by one of the committee before the report was made, and were found deficient in many instances. The certificate does not state the facts. There is for instance no evidence in the office of the secretary of state that the section of school land in Brown county purchased by Besley at one shilling per acre was ever appraised or that any section of land in that county was ever legally appraised. It is true, there is a book in the school land office which is said to be an appraisal of lands in Brown county, but there is no more evidence of it than there is that it is an appraisal of land in Texas.

There is no evidence that the book, purporting to be an appraisal of lands, is such, and there is no evidence that the persons who are said to have performed this service, were ever sworn to do it faithfully according to law. These are facts and cannot be controverted, and the certificate of the secretary of state conveys a false impression of the facts in the case. There are oaths attached to certain accounts for services rendered the state in appraising lands in Brown county and in other counties, but it is an oath that the account is correct, not that certain lands therein specified and described were appraised by them under oath, for there is no evidence that such oath was even taken.

In relation to the certificate signed by Mr. Willans and Mr. Gleason, clerks in the school lands office, the committee have only to say, that on reference to the books in their office, they find that the lots mentioned as sold to Reed, now appear by the books to have been sold as stated in the certificate at less than the appraisal, thus throwing the blame upon the former commissioners instead of upon Smith and Gray ; but the figures on the books have evidently been altered, and the alteration may have been made since the books of the committee were copied. The committee do not by this intend to charge the clerks with any alteration, they only mention the fact because it is evident that at some time the figures have been changed, and the committee had good reason to suppose at the time the report was drawn, that these lots were sold for less after they were forfeited than at the original sale. But in either case the violation of law was the same, and the fraud upon the school fund the same.

In relation to the Outagamie sale the committee have only to say that the original sale sheets used at that sale of school land prove beyond a doubt the fact as stated in the report that A. McNaughton's name appears opposite 192 descriptions of lands, making over 7,600 acres, and it is a matter of public notoriety in the vicinity of the sale that these sales were conducted in a grossly illegal manner. In relation to the Waupacca sale the commissioners deny that any bids were forfeited. Seaver who was there as assistant treasurer swears, that lots were forfeited and that only two or three of them were re-offered, and that early in the morning—and if the statement of the commissioners is true, that they left at two o'clock in the morning, it must have been early when the lots were re-offered. We leave the legislature to decide this question of veracity between these gentlemen.

The commissioners say that the committee report but one patent as having been issued without payment. The tables accompanying the report show that lands are marked "paid in full" on the sale books, on which patents are either issued or the parties are

entitled to them on demand, upon which there is yet due by the treasurer's books the sum of \$5,900 16.

In relation to the defective mortgages, the commissioners say that there is no law requiring the attorney general to examine mortgages and titles papers in relation to loans, &c. As the commissioners quote the law which imposes this duty (sec. 15, chap. 24, revised statutes,) it is unnecessary to say anything further upon this point, except that according to their own showing it was a rule which they themselves established under the law, that the attorney general should, as the legal officer of the state, attend to such matters, and it is the sheerest pettifogging by which the attempt is made by the attorney general to throw off his legitimate responsibility. The commissioners acknowledge that many of the mortgages are defective but they complain of the committee that they do not specify how much of the irregularity was chargeable to their term. The abstract of mortgages accompanying the report shows the dates of the mortgages, and this complaint is without foundation. The commissioners assert that the mortgage of R. W. Lansing is not endorsed "security doubtful." In reply, the committee say that the mortgage was so endorsed, in pencil, when the committee last saw it, and if it does not now so appear, it has been erased. Unquestionably there has been some considerable improvement in the condition of the state mortgages since the committee of investigation have looked into them, and the committee have reason to congratulate the legislature on this fact. During the past two months, the clerks in the department have manifested a commendable industry and a laudable desire for information (from the committee) in relation to these matters of loans, and the mortgages are now better arranged than they have been hitherto. The construction which the attorney general is pleased to place upon section 77, chapter 24, revised statutes, in relation to the precedence of lien of state mortgages may be considered by some a little doubtful, but the committee do not propose to discuss the question at this time. In relation to the Quarles mortgage, the

committee have only to say that the commissioners do not deny the facts stated by the committee. They only say that the state had no title to a part of the land sold to Quarles. Then why was it sold to Quarles? Why did the commissioners allow a patent to issue to him on land the title to which was not vested in the state? The land was sold by the state on a mortgage for a loan. Why was a loan made on land unless the title was valid? If the state had no title, none could be given to Quarles, and yet according to the statement of the commissioners the state gave him a patent for the land. If the title should prove bad, Quarles' hoarse voice will undoubtedly soon be heard resounding through the legislative halls of the state, demanding indemnification.

The commissioners seem anxious about the pencil marks, as they frequently recur to the subject; and it is doubtless a prolific as well as a suggestive one. The testimony of Captain Charles Huggins throws a volume of light upon these pencil marks which sets the matter at rest, so far as the object of making them is concerned. It was a convenience to mark lands "sold" in pencil, because if they proved on examination to be poor, it was easy to erase the entry; but if it had been entered in ink, it might have been necessary to scratch it out, and as scratching exhibits itself without any "exhibit" being made, it was probably thought prudent to use the pencil.

The commissioners protest against being connected with the deficiency of the treasury, and deny that the figures of the report are sanctioned by any adequate proof. It is unfortunate for the committee that the commissioners are not convinced of the correctness of their figures, but the committee are inclined to the opinion, that if these gentlemen will go through the books once, they will be perfectly satisfied by the time they get through, that the figures are pretty nearly correct.

The committee are charged with having been severe and personal in their report. There were many things which were not mentioned or commented upon in the report, because it was the

unanimous desire of the committee to report the facts only, and only such facts as were necessary to illustrate the points made in the report. Nothing was said of Colonel Hunter, late private secretary of Governor Barstow, having obtained a loan in 1850, from the school fund on a forty-acre lot of land in Waukesha county, and never having paid any interest from 1851 to 1856, thus allowing the interest to accumulate in defiance of law. These commissioners were at fault in this. It was their duty to have sold the land, but it was only advertised the present year. The committee said nothing in relation to the testimony of Seaver, that the secretary of state, during his term of office, never settled any account with the treasurer, or counted the money in the treasury. And yet the law provides (see sec. 19, chap. 9, R. S.) that the secretary of state shall "carefully examine, quarter-yearly, the books and accounts of the treasurer, and the money on hand in the treasury, and immediately thereupon report the result of such examination, in writing, to the Governor, specifying therein the amount and kinds of funds particularly;" and yet Mr. Gray, the secretary of state, who thus wilfully neglected this responsible duty, month after month, and even year after year, complains that injustice has been done him in the report of the committee. Is it becoming in him to complain of injustice, because the committee stated in general terms, that he, with his colleagues, were negligent and careless in the discharge of their official duties, when he was guilty of the grossest injustice to the people, who had confided to him the high charge of watching and guarding the school fund of the state? Had Mr. Secretary Gray paid due regard to the requirements of this law, the defalcation in the treasury might never have happened. Had Mr. Attorney General Smith devoted some portion of his time to the duties of his office as school land commissioner, he might have discovered some "irregularities" in the department. If they had been both actuated by the desire to perform the duties of their offices faithfully, the state might have

been saved from dishonor, the school fund from loss, and themselves from the just condemnation of the people. But the evidence of their official misconduct stands out in bold relief upon the pages of their own records, and has been spoken from the unwilling lips of their own witnesses. The testimony of Seaver, and Byrne and Besley, and Hunt and Frary, and Powers and Willans, and Habich and Huggins—their own clerks, their own friends—condemn them. It proves that they were guilty of the most criminal abandonment of the duties which they had sworn to perform—of the most reckless indifference to the high and solemn obligations which they had voluntarily assumed. Their own unfaithfulness they attempt to palliate by showing the unfaithfulness of others. They complain that Janssen is not sufficiently blamed. The committee did not attempt to excuse Mr. Janssen; but as the evidence proves beyond a question, that the other two commissioners seldom consulted Janssen when he was present, and that he was absent from the capital most of the time, called home by circumstances over which he had no control, they could not but find that the greater weight of responsibility rested upon them.

The conclusion of the last annual report of these school land commissioners is in the following language :

“In concluding this report, we take occasion to congratulate the people of this State upon the fact that not one dollar of their great educational endowment has been lost. That the whole of it is securely invested, and that no apprehension need be entertained of the loss of any part of it from the failure of the securities which are held for payment of its principal and interest. We have a right to feel some pride upon this account, as well in relation to the official conduct of our predecessors, as our own.”

Your committee in view of the facts above submitted, cannot concur with said commissioners in congratulating the people of this State upon the safety and past management of its educational fund; nor can we concur in awarding the praise to said commis-

sioners contained in the foregoing self-lauding conclusion of the last official report.

All which is respectfully submitted.

DAVID TAYLOR,
D. WORTHINGTON,
P. H. SMITH,
JOHN F. POTTER,
CHAS. BURCHARD.

APPENDIX.

MINERAL POINT, IOWA Co., Feb. 20, 1856.

Hon. P. H. Smith:

DEAR SIR,—Yours of the 19th, asking for information concerning a payment made to me from the school fund in the early part of last year, I received last evening.

Before answering your questions, it is proper for me to state, that since writing to Hon. R. M. Smith, of Iowa, a statement of the amount charged by me and received, I have received a letter from Hon. J. W. Hunt, assistant secretary of state, in which he informs me that on the receipt of my bill, it was paid by him at its face, and that when it was audited, it was allowed at 50 cents per tract of land advertised, or \$64, and that the balance then due to me had been paid to Hon. Otis Hoyt, of Hudson, who was at the time of auditing, in Madison. Such a payment (to Mr. Hoyt) would have been entirely satisfactory to me, and would be now. Mr. Hunt's letter of the 19th, however, contained the first intimation I had received, that the bill had been audited at more than its face, and the balance paid over.

My bill was for the amount of \$12.80, the number of tracts of land advertised, being 128. I cannot be positive as to these figures, but I believe they are exactly correct. I received in payment by letter, the sum of \$13 in Wisconsin paper money, it being forwarded to me by mail.

A file of the *Hudson North Star* can be found, I believe, at the rooms of the State Historical Society. The books of the *North Star* office, in which the account was entered are in the possession of Mr. U. B. Shaver, of Hudson, St. Croix county, and the above named was the paper in which the publication was made.

Respectfully,

(Signed,) _____

EDMUND R. OTIS.

STATE OF WISCONSIN, }
COUNTY OF IOWA. } ss.

Edmund R. Otis, being duly sworn, deposes and that the statements by him made in the within letter, to Hon. Perry H. Smith, are, to the best of his knowledge and belief, true.

(Signed,) _____

EDMUND R. OTIS.

Subscribed and sworn to before me, this 21st day of February, A. D. 1856.

(Signed,) J. H. CLARY,
Notary Public, Iowa Co., Wis.

Otis Hoyt being first duly sworn deposes and says that in the fall of 1854 he received a list of forfeited school lands for publication in the *Hudson North Star*, of which paper he was then the proprietor, which list was published in accordance with instructions. The paper was transferred to E. R. Otis & U. B. Shaver in the spring of 1855. In the summer of 1855, thinks in July, J. W. Hunt assistant secretary of state, stated to witness that there was a balance due for such publication of about fifty dollars, and wanted to know of witness to whom it should be paid. Mr. Hunt then stated to witness that he had paid a bill as such for publication, but when all the accounts for such publications were audited, a scale was adopted giving fifty cents for each description of land, which accounted for the difference, and said the money was in his hands. Witness

told Hunt to hold on to the money until some arrangements were made in relation to whom the money belonged. Hunt again called attention of witness in February last. Witness then told Hunt not to pay the money to Otis as it belonged to the paper and not to Otis, the paper having been transferred from Otis & Shaver to witness, and from witness to Shaver in August or September last. Since return of witness to Madison he has ascertained from Hunt and Jones, secretary of state, that the money has been paid to Otis. E. R. Otis was editor of the Hudson North Star from the commencement of its publication until it was transferred to Otis & Shaver in the spring of 1855.

(Signed) OTIS HOYT.

Subscribed and sworn to before me this 20th day of March, A. D. 1856,

(Signed) P. H. SMITH,
Special Com.

UNIVERSITY OF ILLINOIS-URBANA



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